

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 31 January 2007

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE MRS RITA FAN HSU LAI-TAI, G.B.S., J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S.,
S.B.ST.J., J.P.

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, J.P.

DR THE HONOURABLE LUI MING-WAH, S.B.S., J.P.

THE HONOURABLE MARGARET NG

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN YUEN-HAN, J.P.

THE HONOURABLE BERNARD CHAN, G.B.S., J.P.

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, J.P.

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE HOWARD YOUNG, S.B.S., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE LAU CHIN-SHEK, J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE CHOY SO-YUK, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, J.P.

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

THE HONOURABLE LI KWOK-YING, M.H., J.P.

DR THE HONOURABLE JOSEPH LEE KOK-LONG, J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE MA LIK, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, S.B.S., J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

DR THE HONOURABLE KWOK KA-KI

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE CHEUNG HOK-MING, S.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE ALBERT JINGHAN CHENG

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

MEMBER ABSENT:

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P.
SECRETARY FOR HOUSING, PLANNING AND LANDS

DR THE HONOURABLE SARAH LIAO SAU-TUNG, J.P.
SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

THE HONOURABLE AMBROSE LEE SIU-KWONG, I.D.S.M., J.P.
SECRETARY FOR SECURITY

DR THE HONOURABLE YORK CHOW YAT-NGOK, S.B.S., J.P.
SECRETARY FOR HEALTH, WELFARE AND FOOD

CLERKS IN ATTENDANCE:

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

TABLING OF PAPERS

The following papers were laid on the table pursuant to Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Market (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2007	10/2007
Public Health and Municipal Services (Cessation of Designation as Public Market) Order 2007	11/2007
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2007	12/2007
Fugitive Offenders (Republic of Korea) Order (Commencement) Notice.....	13/2007

Other Paper

Report of the Bills Committee on Safety of United Nations and Associated Personnel Bill

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

"EatSmart@school.hk" Campaign

1. **MRS SOPHIE LEUNG** (in Cantonese): *The "EatSmart@school.hk" Campaign (the Campaign) has been launched in full scale in all primary schools in Hong Kong since the 2006-2007 school year, aiming at improving the eating habits of school children. In this connection, will the Government inform this Council:*

- (a) *given that the target respondents of the survey entitled "Baseline Assessment of Promoting Healthy Eating in Primary Schools" conducted by the authorities from February to March 2006 included students and parents but were confined to Primary Four and Five pupils and their parents, of the justifications for determining the target respondents, and the reasons for not including pupils of the other grades and their parents;*
- (b) *given that the cross-sector Steering Committee set up by the Government for the above Campaign comprises representatives from 10 sectors including government departments, professional and educational bodies only, why representatives of parents, teachers and the catering sector, in particular food suppliers, have not been included; of the criteria adopted for determining the composition of the Committee; and whether it has assessed how the Committee with such composition can provide comprehensive advice on and direct the above Campaign; if it has, of the assessment results; and*
- (c) *of the number and details of the new promotional and related activities to be organized by the Government for the Campaign?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, it is of paramount importance to develop a healthy eating habit since childhood. The Campaign seeks to help school children develop and form a healthy eating habit since childhood to enable them to grow healthily and prevent diseases relating to bad eating habits, such as heart disease, diabetes, stroke, cancer, and so on. While the promotion of a healthy eating culture will be our on-going initiative, its success hinges on the recognition and support of the community at large.

My reply to the three parts of Mrs LEUNG's question is as follows:

- (a) The "Baseline Assessment of Promoting Healthy Eating in Primary Schools" in the form of a questionnaire survey was designed to gain an understanding of the eating environment and patterns of various primary schools across the territory as well as students' knowledge of, attitudes towards and practices of healthy diet. Primary One to Three (junior primary) students were not included in this survey as the Department of Health (DH) considered that due to their young

age, they might have difficulty in understanding the questionnaire and that the information received from them might not give a true picture of their eating habits. Besides, the survey was conducted in the first quarter of last year when Primary Six students and their parents were busy preparing for the secondary school places allocation. For this reason, Primary Six students were not included in the survey. In fact, a similar survey conducted among primary schools of the Central and Western District in 2002 by the University of Hong Kong showed that there was no significant difference among Primary One to Primary Six students in respect of their eating habits. In light of this, the DH decided to target the survey at Primary Four and Primary Five students (aged around nine to 10) and their parents.

- (b) In determining the composition of the cross-sectoral Steering Committee (the Steering Committee) of the Campaign, our primary consideration is to collect valuable opinions from the relevant parties. To this end, the Steering Committee is formed with representatives of school administrators and teachers (those from the Union of Government Primary School Headmasters and Headmistresses, the Union of Heads of Aided Primary Schools of Hong Kong and the Subsidized Primary Schools Council) as well as representatives of parents (those from the Committee on Home-School Co-operation). Food suppliers are also represented on the Working Group under the Steering Committee on building a healthy eating supportive environment in schools. They have offered very useful advice on the formulation of the Nutritional Guidelines on School Lunch for Primary School Students as well as the improvement of the eating environment in schools.
- (c) To tie in with the implementation of the Campaign, the DH has actively organized various publicity activities, including broadcast of two series of Announcement in the Public Interest (API) on healthy snacks and lunches on television and radio, mounting of large posters at mass transit systems, and arranging for the holding of over 60 media interviews and six press conferences. In addition, through the School "NutriAgent" Project (SNAP), the DH has provided advice and training on nutrition for teachers and parents from 146 schools.

Under the Campaign, a number of competitions and activities are also being held to facilitate active participation of students, parents, and school lunch suppliers. Among these activities, the inter-school slogan and e-card design competition allows students to vote online for the winning entries. Besides, the DH is now extending an open invitation to school lunch suppliers and parents to take part in the sectional competitions of the "Popular Lunch Box Election". The DH also has plans to launch a Fruit Day targeting at primary students across the territory in April this year to encourage children to eat more fruits.

On forging closer collaboration among food suppliers, parents and schools, the DH has held over 25 briefings and organized an Alliance Building Ceremony for the Campaign. More than 800 people, including primary school students and teachers, parents, food suppliers and representatives of non-government organizations (NGOs) and professional bodies, participated in the ceremony, which aims at pooling efforts of various stakeholders to advance the cause of healthy eating at schools. In June 2007, the DH will pay tribute to organizations and individuals with outstanding performance.

The DH will closely monitor the participation of all stakeholders and the response to the campaign. It will adjust the working strategies where necessary. An evaluation study on the campaign will be conducted at the end of the 2006-2007 school year for a comprehensive review and evaluation of the campaign. In the years ahead, the DH will strive to promote nutrition education among parents, assist food suppliers in providing more healthy food, and facilitate the role of schools in encouraging and co-ordinating the collaboration among food suppliers, parents and schools.

MRS SOPHIE LEUNG (in Cantonese): *President, in the last paragraph of his main reply, the Secretary said that an evaluation study would be conducted at the end of the 2006-2007 school year. May I ask the Secretary whether he has in mind a specific target or result he intends to accomplish in the promotion of this programme? What does he expect to see? Moreover, when the result of the*

programme is attained at some stage in the future, what comprehensive measures will the Government take in the near future to follow up the issue?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):

Madam President, we will conduct a study at the end of this school year. Initially, we will mainly examine whether the participating schools, as well as their students and parents, have made improvements after participating in the Campaign, particularly in respect of the food provided at schools and their eating patterns at home. We hope to gather more indicators through this initial study and then determine the follow-up actions required.

With regard to our ideal, we certainly hope that youth of the next generation will have knowledge of a healthy diet, adopt a healthy lifestyle and eat healthily. To help our children to develop a healthy diet and continue to practise it when they grow up, schools are the best place to start, and we hope that schools will participate in full scale. At present, some 120 schools have signed up to the Campaign and we hope that all schools will participate shortly. We will first focus on primary schools and hope that the Campaign will be expanded to cover secondary schools in the future.

PRESIDENT (in Cantonese): A total of nine Members are waiting for their turns to ask supplementaries. Members will please be as concise as possible when asking supplementary questions.

MR TOMMY CHEUNG (in Cantonese): *In part (b) of the main reply, the Secretary said that the primary objective of the establishment of the cross-sectoral Steering Committee was to collect valuable opinions from the relevant sectors. But I hold a view slightly different from that of the Secretary. I think the plan is very good but it should not be limited to the collection of opinions only. What matters is how the opinions collected can be applied in future. Therefore, I think on the cross-sectoral front, the Secretary should*

PRESIDENT (in Cantonese): Please come to your supplementary question direct.

MR TOMMY CHEUNG (in Cantonese): *May I ask the Secretary whether the cross-sectoral Steering Committee should include more parents, teachers and food suppliers so as to make them feel that they also have a part to play and will regard the achievement made as their baby? They can promote the concept of healthy diet when they take forward the Campaign, sparing the Secretary's hard effort to mobilize other resources. Therefore, may I ask the Secretary whether the Steering Committee should be expanded to include more representatives of parents and the catering industry to assist the Secretary in promoting this Campaign?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I very much agree that the Steering Committee should include some representatives of the relevant sectors, particularly representatives of parents, so that food provided at home can complement that provided at school. However, I have to stress that on the official front, a Working Group on building a healthy eating supportive environment in schools, which includes many food suppliers and parents as members, has been set up. The most important concern is to create a sense of belonging and ownership to the overall concept and operation among them, the food suppliers in particular, so that the food provided by them will win praises from schools and parents, and be accepted by the children. I think this is of great importance. I thus agree to use this approach. We will review the representativeness of the composition and other aspects of the Steering Committee, so that we can take on board more talents when we expand the follow-up work in this respect.

MR ALBERT CHENG (in Cantonese): *I gather from the main reply of the Government that the Campaign is only empty talk which is confined only to education and promotion. May I ask whether the Government will consider taking practical actions, such as providing certain guidelines, when the result of the study is available?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Mr CHENG, I have to point out that we are not paying lip-service; we are now working on a lot of tasks. In addition to the actions mentioned by me just now, 127 schools have already indicated support for the Campaign and undertaken to take actions. Apart from accepting the guidelines, they will also make

improvements to the meals provided. Next, we will monitor the improvements they made. We all know that it takes some time to change the eating habits and preferences of children. However, I think that if schools and food suppliers are prepared to do this, and that parents do give their support, the chances of success will increase substantially. Therefore, we will continue to work on this aspect. Upon the conclusion of this school year, we will conduct a review, but it does not mean that the Campaign will discontinue by the end of this school year. The Campaign is an ongoing programme. I think we have to give some time to this Campaign. We hope that after some 120 schools have tried out the Campaign, we can extend the Campaign to other schools and broaden the coverage of this programme.

PRESIDENT (in Cantonese): Mr Albert CHENG, has your supplementary question not been answered?

MR ALBERT CHENG (in Cantonese): *I think I did not make myself clear. My supplementary question is very straightforward indeed. My question is: Will the Secretary draw up some compulsory guidelines on this, just like Singapore prohibiting the sale of stir-fried rice noodle with beef and Coke? My supplementary question is indeed like that.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I can make it clear that the Nutritional Guidelines on School Lunch for Primary Students states what kinds of food students should and should not eat, and what kinds of snacks should not be sold at school tuck shops. We have some practical guidelines.

MR LI KWOK-YING (in Cantonese): *In part (b) of the main reply, the Secretary said that the Steering Committee had formulated the Nutritional Guidelines on School Lunch for Primary Students. Certainly, if schools prepare lunches for their students, they may follow the guidelines and achieve the intended results. However, apart from lunches, school tuck shops are another cause of concern. Since these tuck shops are contracted out to commercial operators, they will sell the most sought-after food, and the most popular foods are potato chips and soft drinks. Will the Secretary implement measures to prohibit tuck shops from selling junk food?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I said earlier, 127 schools have indicated support for the Campaign and undertaken to follow the Guidelines in practice. Therefore, when these schools enter into contracts with the operators of tuck shops, they may include this guideline to require the operators to sell only healthy snacks but not those affecting students' health.

MR CHEUNG MAN-KWONG (in Cantonese): *President, if there are only 127 schools participating in the Campaign, the number is really very small, for there are more than 1 000 primary and secondary schools in Hong Kong. In fact, in promoting healthy eating at schools, Parent-Teacher Associations (PTA) do play a crucial role, for PTAs have the power to decide what kinds of food can be sold at tuck shops, what students will have for lunch and even what parents will cook at home. Will the Government adopt a more pragmatic approach by meeting with several hundreds of parents from PTAs and request them to play a more active and decisive role in practising healthy diet at schools and at home? I mean meeting them individually.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, in the next couple of months, we will examine the results of the 127 schools. Certainly, we will not be complacent with only 100-odd schools participating in the Campaign; we hope that all primary schools will join in and that the Campaign may be extended to secondary schools in the future. However, are we going to adopt the approach suggested by Mr CHEUNG? Surely, we have to co-operate with the Education and Manpower Bureau and examine whether the suggested approach is effective. We may also listen to Mr CHEUNG's opinions and see whether the management of schools, in particular, will be affected. We also have to find out whether parents will follow those guidelines in preparing food for their children at home. We will conduct a study in this respect.

MR HOWARD YOUNG (in Cantonese): *Madam President, may I ask the Secretary whether the Guidelines mentioned in the end of part (b) of the main reply are primarily targeted at students, parents or food suppliers, or are they targeted at all three parties? For without the co-operation of the three parties, we can in no way achieve results.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): The co-operation of all four parties is definitely required: First, the school; second, the food suppliers of schools; third, the parents; fourth, the students themselves. We hope that, gradually, they will all accept these guidelines and adopt them as preferences in their lifestyle. I think it is, to a small extent, a change of culture, and may somehow be described as a culture of resisting temptations. Therefore, we have to spend some time and efforts to make achievements.

MR WONG KWOK-HING (in Cantonese): *The Government said in its earlier reply that the promotion of the Campaign had been carried out, but parents may not take matching actions and may spoil their children by allowing them to buy chocolates and Cokes freely at tuck shops outside classes. May I thus ask the Secretary how he can ensure that children will heed the advice of the Government and parents will not excessively spoil their children?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): As I said in part (c) of my main reply, we have carried out a lot of promotion and education activities to make parents realize the importance of a healthy diet. Members may have read our report. After the completion of a study, the DH knows that primary students do know what a healthy diet is, for they have read it from books and even know how to recite it. However, they may not necessarily follow it in their daily life, for they may meet the temptations at tuck shops or other temptations when they hang out. Or just as Mr WONG said, parents may spoil their children and let them eat whatever they like; this is when the problem arises. Therefore, the activities and promotion launched by us this time do require the participation of parents. We hope they will understand that their actions have to be consistent with their words, and instead of just talking about what they have learnt, they should know how to put their knowledge into practice. We hope that parents will know what they should cook at home and what they should request their schools to provide for their children. If so, our primary students will change gradually, and they will soon accept that this is good for their health and their future, and a good investment. As I said earlier, this is an uphill task, but we must endeavour to fulfill it.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question.

MR FRED LI (in Cantonese): *President, we are concerned about this issue for the problems of overweight and high cholesterol level have started to emerge among children in Hong Kong. The Secretary has answered the supplementary questions of a number of colleagues, but I would like to follow up one point. At present, despite the different methods used, such as the launching of publicity and promotion drives like the Fruit Day and the SNAP and the formulation of guidelines, large quantities of snacks containing trans fats, an issue to be raised by Mr CHENG in the next oral question, are still available at tuck shops. If these problems persist, at which stage will the Government consider following the practice of overseas countries to enact legislation to prohibit tuck shops from selling certain kinds of food? This is the ultimate move. May I know when the Government will take this step?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, for the time being, we will not consider restricting the choices of students with such a high-handed approach. I think both primary and secondary students are rebellious in large measure. If we adopt any mandatory measures, the result may be just the opposite. I think education and guidance should always be the first approach applied in changing eating habits, which is the best option. We will only consider using those mandatory measures when we really fail to educate our students in Hong Kong. However, I have confidence in the good education system in Hong Kong, and we will surely achieve some results in this respect.

PRESIDENT (in Cantonese): Second question.

Banning Use of Artificial Trans Fats in Food Production

2. **MR ALBERT CHENG** (in Cantonese): *It has been reported that since artificial trans fats will increase the risk of suffering from cardiovascular diseases, the use of such substance in food production will be banned in restaurants in New York City (NYC) of the United States from July this year. In addition, a number of restaurant chains in the United States have also announced that they will reduce the use of artificial trans fats or switch to other types of vegetable oil in food production. In this connection, will the Government inform this Council:*

- (a) *whether it has studied the trend and causes of Hong Kong people suffering from cardiovascular diseases in recent years; if it has, whether the causes of the diseases are related to the consumption of food containing artificial trans fats;*
- (b) *whether it plans to follow the practice of NYC authority to ban the use of artificial trans fats in food production in restaurants; and*
- (c) *whether there is requirement that the level of artificial trans fats should be specified on the packages of imported food and local food products to facilitate easy identification by the public?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President,

- (a) Trans fatty acid, commonly known also as trans fat, is an unsaturated fat. Milk and fat of cattle and sheep contain a small amount of naturally occurring trans fat. But most of the trans fat found in food comes from partially hydrogenated vegetable oils, such as shortening and margarine. They are common ingredients found in fried food and baked food such as biscuits, cookies, cakes, pastries and chips. The amount of trans fat increases during the hydrogenation process when vegetable oil is turned from liquid form into partial solid state. In terms of its effect on human health, trans fat is similar to saturated fat in that it raises low-density lipoprotein (LDL) cholesterol (so-called bad cholesterol) level. It also lowers the level of high-density lipoprotein (HDL) cholesterol (so-called good cholesterol), which increases the risk of coronary heart disease.

Cardiovascular disease is the second leading cause of deaths in Hong Kong. In 2005, 9 302 registered deaths were attributed to cardiovascular diseases, which accounted for 24% of total registered deaths. In fact, many risk factors of cardiovascular diseases can be avoided or reduced. They include social factors, such as smoking, insufficient exercise and being under constant pressure, and health factors, such as obesity, hypertension, hyperlipidemia and diabetes. In view of these, the Department of Health (DH) has commissioned The Chinese University of Hong Kong (CUHK) to undertake a

cardiovascular health survey to study cardiovascular health as well as the prevalence of cardiovascular diseases and its related risk factors, such as high blood lipid, high blood sugar, overweight and obesity in Hong Kong population. The results will be published later this year. Trans fat is not covered in the study.

(b) and (c)

At present, there is no law that prohibits the sale of food that contains trans fat and no requirement to stipulate that trans fat contents in food must be listed on the package labels of imported or manufactured food. However, we are working with the trade to pursue a consensus on requiring that the contents of saturated fat, mono-unsaturated fat, polyunsaturated fat and cholesterol must comply with the relevant requirements and must be listed on labels of those prepackaged food which makes claims related to fats or cholesterol, upon the full implementation of nutrition labelling scheme. At present, we do not have any plan to follow the example of New York and prohibit the use of trans fat in local restaurants, but the Centre for Food Safety will closely monitor the latest international developments regarding regulation of trans fat.

MR ALBERT CHENG (in Cantonese): *In the last paragraph of part (a) of the main reply, the Secretary said that the DH had commissioned CUHK to undertake a cardiovascular health survey to study cardiovascular health as well as the prevalence of cardiovascular diseases and its related risk factors, such as high blood lipid, high blood sugar, overweight and obesity in Hong Kong population. The Secretary also advised that the results would be published later this year, but trans fat was not covered in the study.*

However, as pointed out by the Centre for Health Protection in a press report, the findings of some studies indicated that the likelihood of people who had a daily intake of a mere 5 g of trans fat suffering from heart disease had increased significantly to 25%. In other words, it has a great impact and I wonder if the Secretary is aware of such findings.

Furthermore, the Secretary mentioned in the last paragraph of the main reply that the implementation of a specific labelling system would only be considered upon the full implementation of the nutrition labelling scheme. My

supplementary question to the Secretary is: When will such a labelling scheme be put in place and the use of trans fats be banned? Will the use of trans fats be banned in the future if not now?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): First of all, I wish to point out that the figures cited by Mr CHENG just now are not survey findings, but only the general guidelines provided by, say, the World Health Organization (WHO) or the Codex Alimentarius Commission (Codex).

As to the question of when the content of trans fat will be required to be listed under the labelling scheme, just as I have pointed out in part (c) of the main reply earlier, we are prepared to implement the nutrition labelling scheme as early as possible. Should any food make claims about fats or cholesterol, it will be required to list the contents for consumers' information.

Certainly, this is what we are prepared to do. As to the question of when or whether the use of trans fats will be banned, it will be very difficult to impose such a ban as certain food itself also contains trans fats. So, is it possible to impose a ban on, say, the sale of beef or mutton altogether? This may not be possible. Yet, in promoting food health, we will clearly inform the public of the food that is recommended to eat more or is advised to eat less. I think we are duty-bound to do so, and this message has been put across by the DH time and again. It is hoped that, upon completion of the cardiovascular health survey, certain messages will be publicized to enable the public to gain knowledge of the foods that will increase the associated risks.

MR ALBERT CHENG (in Cantonese): *My question asks about artificial trans fat, but just now the Secretary said that such meat as beef also contains trans fats and therefore could not be banned. It is very clear that my question asks about artificial trans fats, and this I must elucidate.*

PRESIDENT (in Cantonese): Mr Albert CHENG, according to the Rules of Procedure, no elucidation is allowed during Question Time and only follow-up questions in relation to the unanswered part can be raised. You may rise to repeat that part. I do not believe any part of your supplementary question has been unanswered. Yes or no?

MR ALBERT CHENG (in Cantonese): *Yes. Why do I need to make an elucidation? It is because though my question targets at artificial trans fats, it seemed to me that the Secretary mistook it as a call for a total ban on trans fats. He therefore replied that they would not be banned. If the subject is artificial trans fats instead, will the Secretary impose a ban then?*

PRESIDENT (in Cantonese): You may repeat that part as a question.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, just as I pointed out earlier, we do not have any plan to ban food containing artificial trans fats mainly because the associated risk is similar to that of other food containing fats. Therefore, in case a ban is considered necessary, the justifications on which it is based should be given consideration.

It is most imperative to advise members of the public not to eat too much food containing high fats or trans fats. And just as Members have pointed out earlier on, the Codex or WHO have already provided the relevant guidelines. We therefore consider that the most important point is to educate the public so that they know how to choose the healthy food, but not to impose a total ban on all health-hazardous food. I think the public should be aware that food cannot simply be divided into two distinct categories in terms of edibility, for choices have to be made. It is of paramount importance to maintain a balanced diet, and the choice of food must be based on health.

PRESIDENT (in Cantonese): There are altogether 11 Members waiting for their turns to raise supplementaries.

MR LEE CHEUK-YAN (in Cantonese): *Many thanks to Mr Albert CHENG for raising this question because he made me understand.....*

PRESIDENT (in Cantonese): Please ask your supplementary question direct.

MR LEE CHEUK-YAN (in Cantonese): *.....Fine, President. He made me understand why I have high cholesterol, that is, there is less good cholesterol than bad cholesterol in my body.*

May I ask the Secretary why we do not ban the use of artificial trans fats by restaurants with the same determination we had in the imposition of the smoking ban? It is evident to all that cardiovascular disease is the second most commonly found fatal disease. Was the Secretary's lack of concern for our health a cause of his weak and incompetent performance on this issue? Given that even New York can do so and guidelines have been issued by the WHO, the sole reliance on education without any legislative control may render those guidelines meaningless in the end, and trans fats will be swallowed anyway.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, first of all, I must point out to Mr LEE Cheuk-yan that the legislation on smoking ban cannot be considered together with the current issue. The smoking ban is imposed in consideration of the impact of smoke on people in the vicinity, and yet, the eating of a chicken pie may not necessarily affect anyone in the vicinity — unless you spit out what you ate.

Therefore, I opine that it is most imperative for every citizen to know whether the food they eat is healthy and what quantity to eat. I believe an occasional taste, rather than a daily consumption, of a couple of French fries should not be a problem. This is precisely why people of the United States are gravely concerned about this issue as their eating habit is very different from that of Hong Kong people. In this light, whatever we do should follow closely and meet the needs of the local food culture and food safety.

MR LEE CHEUK-YAN (in Cantonese): *President, I think the Secretary has not answered my supplementary question. In fact, the smoking ban cited by me as an example does not only have an impact on other people, but even on the smokers themselves as well. It is also the wish of the Secretary to see people quit smoking.....*

PRESIDENT (in Cantonese): What is your follow-up question?

MR LEE CHEUK-YAN (in Cantonese): *My supplementary question is: Why did the Secretary not reduce the impact of trans fats on the public through legislation in the same way as he called on members of the public to quit smoking — not to mention the ban on smoking?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, perhaps a better approach is to advise people to quit smoking and eat less fatty food, which I consider to be more appropriate. Madam President, I think that the two issues must be addressed in parallel. While considerable efforts have been made to encourage smoking cessation, it is also hoped that the public will learn to decide on the choice of food through education on food health.

MR LEUNG YIU-CHUNG (in Cantonese): *President, just as many colleagues have pointed out, deaths caused by cardiovascular diseases accounted for about one quarter of total registered deaths. Nevertheless, the Secretary just kept on advising the public to eat less unhealthy food but more healthy food. Does it reflect that "advise" is not at all effective? Should it be effective, there would not be so many people suffering from such disease. But unfortunately, the Secretary.....*

PRESIDENT (in Cantonese): What is the supplementary question that you wish to ask?

MR LEUNG YIU-CHUNG (in Cantonese): *I wish to ask the Secretary: Why did he not explain the reason for not introducing any plan, policy or legislation, as evident in other countries, but merely said that the issue would be closely monitored in response to Mr Albert CHENG's question? Although the problem has become so serious that mere advice has been proved ineffective, neither has he highlighted the shortcomings of the approaches adopted by other countries, nor is he prepared to follow suit. So, how is he going to face up to this problem?*

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, have you asked your supplementary question? If so, you may sit down.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I understand it, regulation by way of legislation only came into force in NYC on 5 December last year and only covers sauces, oil, and so on. However, such kind of food as doughnut or cake batter is not banned.

Therefore, we will have to gain a better understanding of the work they are doing. It is because in spite of the large population in the United States as a whole, regulation is imposed in NYC only. Do we need to immediately follow what they have done? It must be dealt with carefully. If we are to follow what anywhere else in this world did, Hong Kong will eventually become a city of legislation. We must therefore look carefully into the justifications on which they are based.

Furthermore, I must also point out clearly that the cardiovascular health of Hong Kong people is much better than that of the Americans, with our mortality or incidence rates being less than half of the latter. Besides, our eating habit is also very different from theirs. Therefore, we must be cautious with the applicability of the measure to Hong Kong people, especially when mandatory regulations are introduced. I always think that food choices are plenty in Hong Kong and healthy food is also readily available. Since everyone should be able to avoid eating unhealthy food, I therefore consider public education of paramount importance.

Mr LEUNG mentioned earlier that the mortality rate of cardiovascular disease is high in Hong Kong, and yet, this is not solely attributed to food. Rather, in many cases, it was congenital or caused by smoking or such other diseases as diabetes or hypertension, and may not have any direct relationship with food. Upon completion of the analysis, we will have gained a better understanding of the people who are more prone to suffer from cardiovascular diseases. I hope that the issue will not be escalated but will instead be dealt with in a more objective manner.

MR LEUNG YIU-CHUNG (in Cantonese): *President, it seems that the Secretary has not answered my supplementary question. I think that.....*

PRESIDENT (in Cantonese): Simply come to your supplementary direct and say no more about what you think as many Members are still waiting for their turns to raise questions.

MR LEUNG YIU-CHUNG (in Cantonese): *I get it, President. I pointed out that merely advising the public to avoid eating something was ineffective. What has been done by the Secretary to improve the situation?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I do not quite agree with the remark that advice is ineffective. A lot of work has been done and it can be seen that many people are now much healthier in terms of their diet. I noted that Members were gravely concerned about food nutrition while I was dining with them, so I do not believe mere advice is really that ineffective. We will continue with our work and it is hoped that the Government's publicity work can be pressed forward with the concerted effort of all Honourable Members.

MR LEE WING-TAT (in Cantonese): *President, the Secretary stated very specifically that the issue would be considered upon the implementation of the labelling scheme in the future. However, as far as I understand it, firstly, the use of this kind of trans fats has been banned in Denmark, and secondly, insofar as the two-phased labelling scheme is concerned, trans fats are not included in either the first phase to be introduced next year or the second phase to be introduced later on. May I ask the Secretary whether the views of the Democratic Party will be taken on board to include trans fat contents on the labels in either the first or the second phase?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I must first point out that trans fats are not banned in Denmark, but relevant legislation has been enacted to stipulate that every 100 g of food should contain no more than 2 g of trans fats during processing. This is rather regulation by content than a total ban, and this approach is now contemplated by other countries. We have to consider whether the ingredients in question are frequently used in Hong Kong and the quantity consumed. Thorough studies will therefore be required if relevant regulation is to be made.

With respect to labelling, I must emphasize that it is our wish to enact legislation in the future to require any food which claims to contain fat or cholesterol to list the contents of trans fats on labels.

MR LEE WING-TAT (in Cantonese): *I have asked the Secretary very specifically whether or not trans fats would be included in the labelling scheme in either the first or the second phase to be implemented. President, this is the point asked by me.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have given the answer earlier, and as pointed out in the main reply, food which makes claims related to fats or cholesterol is required to list the contents of trans fats.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Last supplementary question.

MISS TAM HEUNG-MAN (in Cantonese): *President, just now many colleagues expressed concern about the large number of deaths caused by this disease, and the Secretary said that public education would be stepped up to address the situation. Will the Secretary "please" explain how the public will be educated and what plans he has to achieve the effect of minimizing the number of deaths caused by cardiovascular diseases?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Miss TAM, there is no need to say "please" (*laughter*) because we are duty-bound to do so.

We make it the top priority to inform the public what is meant by a healthy lifestyle during the various health promotion activities. Food is not the only factor that counts, there are other factors including regular exercise, sleep and rise early, a regular living pattern and avoid engaging in dangerous or risky activities. Education in this respect will continue, with the concerted efforts of the DH and other relevant departments. Hong Kong being a city with sound information systems and a large number of media, I think that we can make use of all available channels to put across to the public the message of health. I also hope that Honourable Members will seize every opportunity of media exposure to drive home to the public and electors some positive health messages, so as to enable them to enjoy healthy living.

PRESIDENT (in Cantonese): Miss TAM Heung-man, has your supplementary question not been answered?

MISS TAM HEUNG-MAN (in Cantonese): *Yes, thank you, President. Earlier, I requested an explanation from the Secretary about the target of*

education to be achieved through education and promotion initiatives given that so many people had died of this disease.

PRESIDENT (in Cantonese): Fine. Secretary, please answer.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, our target of education is to enable everyone to know the cause of the disease. I do not believe it is possible for cardiovascular diseases to become extinct, and human beings will have to face death after all. Yet, early treatment of diseases that are minor or run in a family is available, and publicity in this regard will be made through the DH or other channels. In fact, the lifestyle is most important. Just as I have said, a good lifestyle can help prevent many diseases, among which is cardiovascular disease.

As to whether the number of deaths caused by cardiovascular diseases can be reduced, it may not be necessarily so because people will not die without falling sick, and there are different ways of preventing or minimizing incidence. However, I believe, after all, it is most important to prolong the life expectancy of Hong Kong people and improve the quality of life by all means. I think that we are duty-bound to do so. Publicity will therefore be given by the DH or other departments, for example, medical officers will advise their patients what to do during the consultations. Besides, all related professionals are also duty-bound to do so. The Government and all organizations should use these opportunities to educate the public by all means.

PRESIDENT (in Cantonese): Third question.

Registration of Diesel Private Cars

3. **MR JEFFREY LAM** (in Cantonese): *Madam President, the exhaust emissions from diesel private cars and alternative hydrogen-fuelled environmentally-friendly vehicles currently produced by various European automobile manufacturers are as low as those from petrol private cars. However, some car owners have indicated that the legislation governing the registration of diesel private cars is so stringent that the owners of such cars*

often have to convert the car compartments of these vehicles before they can be registered as vans. As a result, such environmentally-friendly vehicles are not popular in Hong Kong. In this connection, will the Government inform this Council:

- (a) whether it has studied the difference between the quantity of air pollutants, such as respirable suspended particulates (RSP) and nitrogen oxides (NOx), emitted from petrol and diesel private cars with the same horsepower; if it has, of the findings;*
- (b) whether it will consider lowering the current emission standards for registration of diesel private cars, so that such type of environmentally-friendly cars can be registered; and*
- (c) whether it has studied if the introduction of the above alternative hydrogen-fuelled environmentally-friendly vehicles will help reduce the exhaust emissions from vehicles in Hong Kong; if it has, of the findings of the study; if not, whether it will consider conducting such study?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): Madam President, the emission control technologies in respect of particulate matter (PM) and NOx for petrol private cars are far better than their diesel counterparts. A comparison of Euro IV petrol and diesel private cars with equal cylinder capacity shows that, on average, diesel private cars emit 14 times more PM per km than their petrol counterparts. For NOx, diesel private cars' emissions are seven times greater than their petrol counterparts. Certain diesel vehicle even emit 25 times more NOx than their petrol counterparts.

The Government's principle and policy on the control of vehicle emissions are very clear. We focus on the actual environmental performance of vehicles, irrespective of whether they are diesel or petrol private cars. We require both types of private cars to meet equally stringent and practicable standards on PM and NOx.

In tandem with advanced countries, Hong Kong currently imposes the most stringent Euro IV emission standards on petrol private cars. The US Californian emission standards for diesel private cars are similar to the Euro IV

emission standards for petrol private cars. Therefore, the former is currently adopted as the local emission standards for diesel private cars. Information shows that at present, there is no diesel private car that can comply with the Californian standards for diesel private cars. However, some European and Japanese motor manufacturers have planned to launch in California diesel private cars in compliance with the local standards, in 2008 and 2009 respectively. Whether these diesel vehicle models will be launched in Hong Kong will be a commercial decision for the vehicle suppliers. The Government believes that with the advances in emission control technology, diesel private cars will naturally become more readily available when their PM and NO_x emission levels are generally reduced to a level on a par with their petrol counterparts.

For goods vehicles, the load and operational requirements are different from those of private cars. There are not many models and makes of petrol goods vehicles to meet market needs, owing to the constraints in engine technology. Indeed, many goods vehicles are not available in petrol models. Therefore, we allow goods vehicles to run on diesel if they comply with the most stringent prevailing emission standard, that is, Euro IV.

At present, the ambient PM and NO_x concentrations in Hong Kong, particularly at the roadside, are still very high. Hence, the Government will not relax the emission standards for diesel private cars. We will continue to tighten vehicle emission standards in line with international levels.

The Environmental Protection Department has been monitoring closely technological developments on motor vehicles overseas. Current information indicates that the technology of using hydrogen as vehicle fuel is not yet mature. There are at present no internationally recognized standards to regulate the design and use of hydrogen-fuelled vehicles. Although hydrogen-fuelled vehicles have been produced by individual vehicle manufacturers, they have been used mainly for trial purposes to provide data for testing and improving the technology. We will continue to follow closely the technological development of hydrogen-fuelled vehicles, and will examine the feasibility of introducing them into Hong Kong when the technology becomes more mature.

MR JEFFREY LAM (in Cantonese): *Madam President, in her main reply, the Secretary said that at present there was no diesel private car that could comply with the Californian standards for diesel private cars. Does this mean that Hong Kong has adopted a remotely impossible standard?*

Although the Secretary said that diesel private cars were allowed to register in Hong Kong, in fact, no vehicle companies can supply such vehicles. On the contrary, she pointed out that there were not too many models and makes of petrol goods vehicles, so the use of diesel goods vehicles was allowed in Hong Kong. This makes us feel that the Government has adopted double standards in this regard. In this connection, I would like to ask the Secretary: Since some vehicle owners have successfully registered their diesel private cars as vans after conversion by removing one or two rows of seats from the compartments while no mechanical changes are made, why can the Government not allow the licensing of such private vehicles right away, instead of allowing them to be disguised as vans, since no mechanical alterations are required?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Madam President, in specifying stringent standards for diesel private cars, actually we are acting in accordance with our usual air pollution control policy. Since private cars account for 65% of all the vehicles in Hong Kong and 41% of the total vehicle mileage, we can by no means relax the requirements in this aspect. This is particularly so since petrol private cars are a very mature replacement that can greatly reduce the extent of air pollution. Therefore, we would make use of this policy to control air pollution.

As for the standard, though at present no commercial vehicle manufacturer can produce vehicles that can comply with it, California has always advocated the cause of improving the air pollution situation by way of technology. Therefore, after it has specified the standard, naturally vehicle manufacturers would develop such vehicles accordingly, and each year we can hear vehicle manufacturers say that such products would be launched in the following year. Therefore, we are not really a long way ahead of others. All that the Government is doing is to take the lead in inducing vehicle manufacturers to develop technologies in this direction.

With regard to private cars and light goods vehicles, they are two different categories of vehicles. Insofar as the Transport Department is concerned, structurally a light goods vehicle is required to have a completely enclosed compartment which must be a complete section of the vehicle, and it cannot be altered lightly. As regards the fixed features of the vehicle, a board that can meet the specifications must be installed at both the front and rear compartments of the vehicle; there should be no windows on both sides of this section of the vehicle, whereas no such conditions are imposed for private cars; and the drivers

are required to hold different types of driving licences in driving the two types of vehicles. For the goods compartment of a light goods vehicle, it must structurally occupy a certain amount of space, at least half, right behind the driver's seat. And there must be fixed partitions between the two sections.

Most important of all, the Transport Department would not easily grant the conversion of private cars into light goods vehicles. In the past three years, less than 60 such vehicles have successfully registered, and their conversions were approved for certain special reasons. Therefore, this is not a way for circumventing the law.

PRESIDENT (in Cantonese): There are altogether eight Members waiting for their turns to raise supplementary questions. Will Members please be as concise as possible when asking supplementaries.

MR ANDREW LEUNG (in Cantonese): *President, in the third paragraph of her main reply — Mr Jeffrey LAM has raised a supplementary question on it as well — the Secretary mentioned that we had chosen the Californian standard as our emission standard for diesel private cars. As California is the leader of the world in this regard, do we not intend to surpass both the United States and the United Kingdom or at least to be on a par with them? In fact, in the European Union, there are also.....*

PRESIDENT (in Cantonese): What is your supplementary question?

MR ANDREW LEUNG (in Cantonese): *My supplementary question is: In fact, in the European Union, there are also many diesel vehicles in use, that is, many diesel vehicles are permitted to run on the roads; and great significance is attached to environmental protection in the European Union, and we have also adopted Euro IV as our standard. May I ask whether the Government has studied why the European Union has adopted this as their standard, whereas Hong Kong, instead of adopting this standard, has adopted the unachievable Californian standard?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): We do intend to surpass both the United States and the United

Kingdom, particularly in improving air quality. We want to do even better than they do. At present, our air quality is really poor. Compared to other cities, we are really worse than them, in particular in terms of RSP and NOx. Therefore, in order to specifically tackle these two types of emissions, we must adopt the most stringent standards. And most important of all, do we necessarily have to use diesel private cars? Since we already have a replacement, and when we use petrol private cars, we can substantially reduce the amount of RSP and NOx, then, as a matter of policy, we must adopt the most stringent standards.

MS MIRIAM LAU (in Cantonese): *Madam President, in the last paragraph of her main reply, the Secretary mentioned that the technology of using hydrogen as vehicle fuel is not yet mature, and that the Government would examine the feasibility of introducing such vehicles into Hong Kong when the technology became more mature. However, the technology of natural gas-fuelled vehicles has already become very mature, and it has been introduced into many countries, and most important of all, it is applicable to heavy vehicles such as goods vehicles and buses, and so on. May I ask the Government whether it has started to study the feasibility of introducing them into Hong Kong; if so, how far has the progress been made? When can we have natural gas-fuelled vehicles such as goods vehicles, container trucks and buses, and so on?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Natural gas is really a mature motorcar technology. Its advantage lies in its capability of reducing the emissions of RSP and NOx, and its emissions are substantially less than those of its diesel counterparts. On this issue, the Electrical and Mechanical Services Department has commissioned a consultancy to conduct a study on introducing natural gas-fuelled buses and heavy vehicles into Hong Kong, and the findings should be ready in early 2008.

I hope Members can understand that, since natural gas also involves the use of filling stations, that is, it is an issue with relevance to infrastructure. So how can the basic infrastructure cope with these filling stations? When these vehicles are running on the roads, can we provide adequate refilling stations for them? This is also one of the most crucial questions.

MR SIN CHUNG-KAI (in Cantonese): *President, in her earlier reply, the Secretary mentioned that 60 diesel private cars had been converted into light*

goods vehicles and had been successfully registered. I would like to ask Although the Secretary mentioned how abuse can be prevented, that is, preventing the abuse of diesel private cars, I do not agree that such vehicles should be called environmentally-friendly diesel vehicles. Has the term "environmentally-friendly" been abused? In short, my supplementary question is: With regard to those 60 vehicles, on what basis did the Government issue licences to them?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): President, I do not have the detailed information at hand as to why each such vehicle can be converted. However, in disclosing such information earlier on, I just intended to point out that, among 100 000 vehicles, only 60 can successfully be licensed in three years. It was just a small figure, and they could be converted only under very special circumstances. However, I do not have the detailed information on the granting of approvals for their conversions.

DR RAYMOND HO (in Cantonese): *President, the air quality standard of Hong Kong often follows that of the European Union since its standards are very stringent and widely accepted.*

In the third paragraph of her main reply, the Secretary said that the Californian emission standards for diesel private cars are similar to the Euro IV emission standards. However, in the same paragraph, she also said, "at present, there is no diesel private cars that can comply with the Californian standards for diesel private cars". These are the places where contradictions arise. Besides, she also said in the last sentence of the fifth paragraph of her main reply, "We will continue to tighten vehicle emission standards in line with international levels". We agree that we should tighten vehicle emission standards. However, if she said that we should follow the international levels, then the Euro standards are already very high, and apart from the Californian standards, the standards of both the United States and Canada are also very high. Why do we not follow the standards of the greater regions, instead of just following the standards of a single place?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Cantonese): When I said the standards of Euro IV are similar to those of California, I was referring to the standards of petrol vehicles. With regard to

the diesel standards, the diesel standards of the European Union are not the same as those of California because the diesel standards of the latter are much lower than those of the former. So, we have chosen a lower standard. With regard to the Hong Kong situation, in the overall issue of air pollution, the pollution caused by vehicles is very severe, in particular the roadside pollution. Therefore, we have chosen a more stringent standard.

We did not make up the standard out of wild guesses. Instead, California has started to adopt this standard because there are indications that it is technologically possible for vehicles to reach this standard. Therefore, in this aspect, we have chosen to follow the most stringent standards.

DR RAYMOND HO (in Cantonese): *President, my earlier supplementary question was: If we continue following international levels in tightening vehicle emission standards, and we have always followed the standards of the European Union in respect of air quality, why do we specifically opt not to follow its standards in this regard? Although we claim that we would follow international standards, why do we not follow them in this regard?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): I have explained this already. By "international", both Europe and the United States are included. In this regard, we have opted to follow the most stringent international standards.

MRS SELINA CHOW (in Cantonese): *Earlier on, the Secretary said that we did these for the sake of environmental protection and the price was not too great. However, has she overlooked one point: The price of diesel is substantially lower than that of petrol? For all private cars owners, it would be a major favour to them if they can get the best of both worlds, that is, they can protect the environment on the one hand, and can pay less in fuel on the other. Can the Secretary tell us whether the Government is evading the problem by taking the wrong way, and at the end of the day, it is just trying to maximize its revenue from duty?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Of course, it would certainly be ideal if we can get the best of both worlds, like what Mrs Selina CHOW has said. We all know that, the

mechanical efficiency of diesel vehicles is higher. So, as we do some calculations, we would find its costs cheaper. But in the meantime, as I have just said, even for a Euro IV diesel vehicle, its emission of RSP is 14 times higher than that of a petrol vehicle, and its emission of NO_x is several times higher. Therefore, we have chosen a more stringent standard for diesel vehicles because such vehicles have a cleaner replacement, that is, petrol private cars.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary.

MISS CHOY SO-YUK (in Cantonese): *President, according to the existing government policy, the relevant motorcar technology will not be introduced into Hong Kong unless it has become nearly mature.*

Other than diesel and hydrogen fuel mentioned earlier, in fact there are also some other vehicles that use bio-diesel, electricity and methane, and so on, and technologically, they are in fact very mature now, particularly the bio-fuels. May I ask the Government how much preparation and promotional effort the Government has made in this aspect?

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): Regarding bio-diesel and other fuels just mentioned by Miss CHOY, we allow their application as long as their emission standards can meet our present standards.

As for bio-diesel, in facts, there are lots of studies on it throughout the world. It is mainly used in production in certain agricultural communities, such as in the production of sugar cane and corn, the bio-diesel extracted from the agricultural produce can replace petroleum diesel. It does have some advantages.

Although many people in Hong Kong have told me that they strongly want to import bio-diesel, it does not enjoy any advantages in terms of cost. In this case, we can say that there is no market it can tap. Different products are used in different places simply because the existence of certain objective criteria has brought about support for them in the market. The same rationale applies to all diesels or other fuels.

MISS CHOY SO-YUK (in Cantonese): *President, I was actually asking the Secretary what the Government had done. She just answered this could not be used, and that could not be used either. On the one hand, she said improvement had to be made, yet on the other, she said there was no market for them due to the cost factors. At least the authorities can do something to encourage the use of them. May I ask the Government: What measures does it plan to adopt in this regard?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Cantonese): *With regard to bio-diesel, we are studying in conjunction with Japanese vehicle manufacturers the specifications of diesel vehicles using such bio-diesel. In other words, we are just studying with the industry and vehicle manufacturers on a technical level how such bio-diesel can be used more effectively. As for other issues, we shall have to leave the decision to the market.*

PRESIDENT (in Cantonese): *Fourth question.*

Child Abuse Cases

4. **MISS CHOY SO-YUK** (in Cantonese): *President, as the number of child abuse cases has been on the rise in recent years, will the Government inform this Council:*

- (a) *of the respective numbers of reported cases and requests for assistance involving child abuse in each district in each of the past three years; and among such cases, the respective numbers of those in which the abuser was the unmarried or single parent of the abused child;*
- (b) *how the authorities will enhance the existing mechanism for handling child abuse cases with a view to facilitating early identification of families with high risks of child abuse on the basis of the profile of such families, and providing timely assistance to such families; and*
- (c) *whether it will flexibly allocate additional resources to districts in which there are more child abuse cases, in order to support the*

implementation by non-government organizations of specific service programmes or pilot schemes on district co-ordination mechanism for handling problems of child abuse; if it will, of the details; if not, the reasons for that?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President,

- (a) The Administration has always attached importance to child protection, and abusers will be pursued and brought to justice. The Social Welfare Department (SWD), the police and relevant departments will follow up every identified case, and will, having regard to the circumstances and needs of individual cases, deal with such cases in a most appropriate and professional manner so as to render comprehensive assistance to the abused children.

According to the statistics of the SWD's Child Protection Registry, the number of first reported child abuse cases in 2004, 2005 and from January to September 2006 were 622, 763 and 594 respectively. Please refer to the Annex for the breakdown of child abuse cases in terms of place of occurrence by districts.

According to the SWD's record, among the cases reported to the SWD in the respective years mentioned above, there were 405, 490 and 405 (from January to September 2006) cases involving abusers who were parents or step-parents of the abused children. The SWD does not have a breakdown of the marital status of these abusers.

- (b) At present, the 61 Integrated Family Service Centres (IFSCs) set up across the territory provide a wide range of preventive, supportive and therapeutic welfare services to, and organize various parenting activities for families in need. In addition, a major focus of the IFSCs is on early intervention. They will proactively reach out to the needy families to support them in developing mutual help networks with the community and enhancing their resilience.

In addition, the Administration has since 2005 launched a pilot Comprehensive Child Development Service (CCDS) in phases in

Sham Shui Po, Tin Shui Wai, Tuen Mun and Tseung Kwan O respectively. With an aim to identify needy children or at-risk pregnant women and families at an early stage, the community-based CCDS uses the Maternal and Child Health Centres, which currently provide services for over 90% of the new born babies, as a platform to enhance cross-sectoral collaboration and communication. Through better alignment of health, education and social welfare services, CCDS facilitates timely referral of identified cases to IFSCs or other service units for early intervention. We are planning to extend CCDS to the whole territory in phases.

In tandem, the Administration has since 2006-2007 allocated an additional annual recurrent funding of about \$30 million to launch the Family Support Programme (FSP) in IFSCs, the Integrated Services Centres, the Family and Child Protective Services Units (FCPSUs), and the Psychiatric Medical Social Service Units. The FSP aims at forging closer connection with the vulnerable families that are unwilling to seek help, to introduce and encourage them to receive appropriate services, so as to help prevent escalation of their problems.

The FCPSUs, which specialize in handling spouse battering and child abuse cases, provide outreaching, crisis intervention, casework and group therapeutic services as well as statutory protection for children. The SWD has since 2004 reinforced the manpower resources of the FCPSUs and increased the total number of units from five to eight. In the coming year, we will continue to strengthen the support services of the FCPSUs and the IFSCs and enhance the clinical psychology service for the abused children.

- (c) The roles and functions of District Social Welfare Officers (DSWOs) have been enhanced since 2001, and they are tasked to establish closer partnership and collaboration with non-governmental organizations (NGOs) at district level. Having regard to district needs and service priorities, DSWOs work towards building consensus among NGOs in their respective districts to meet the changing service needs by more effective utilization of resources through various means, such as reorganizing services, enhancing

co-ordination, streamlining procedures and setting priorities. Moreover, the SWD has conducted a review of the district co-ordination mechanism. In addition to the existing service-based district co-ordination mechanism, a cross-service district welfare co-ordination mechanism has been introduced to various districts in phases from 2006. The new mechanism is expected to be fully implemented in 2007-2008, which will further enhance the effectiveness of DSWOs in developing and formulating the overall district welfare strategy.

In the final analysis, concerted efforts of the community are paramount in order to build a society that is free of domestic violence and in which our children can grow up in a caring and supportive environment. In 2006-2007, the Administration will continue to roll out different family education, publicity and community involvement programmes to promote the values, ethics and individual responsibility that are important for family harmony. For example, the Education and Manpower Bureau has devised education materials on prevention of domestic violence to help teachers of kindergartens, primary schools and secondary schools to organize relevant activities for students. We have also been promoting the development of social capital through the Community Investment and Inclusion Fund to build up neighbourhood mutual help networks, matching needy families with caring supporters and promoting family harmony, and these will hopefully help to reduce child abuses.

Annex

2004 to 2006 (January to September)

Distribution of child abuse cases in terms of places of occurrence by districts

<i>Districts</i>	<i>2004</i>	<i>2005</i>	<i>2006 (January to September)</i>
Central and Western District	5 (0.8%)	7 (0.9%)	4 (0.7%)
Islands District	9 (1.4%)	14 (1.8%)	14 (2.4%)
Wan Chai District	5 (0.8%)	2 (0.3%)	8 (1.3%)
Eastern District	25 (4.0%)	31 (4.1%)	27 (4.5%)

<i>Districts</i>	<i>2004</i>	<i>2005</i>	<i>2006 (January to September)</i>
Southern District	12 (1.9%)	12 (1.6%)	16 (2.7%)
Yau Tsim Mong District	23 (3.7%)	23 (3.0%)	25 (4.2%)
Kowloon City District	27 (4.3%)	21 (2.7%)	29 (4.9%)
Sham Shui Po District	37 (6.0%)	39 (5.1%)	46 (7.7%)
Wong Tai Sin District	31 (5.0%)	26 (3.4%)	26 (4.4%)
Kwun Tong District	59 (9.5%)	78 (10.2%)	54 (9.0%)
Sai Kung District	23 (3.7%)	38 (5.0%)	19 (3.2%)
Sha Tin District	41 (6.6%)	43 (5.6%)	23 (3.9%)
Tai Po District	24 (3.9%)	37 (4.8%)	18 (3.0%)
North District	31 (5.0%)	41 (5.4%)	17 (2.9%)
Yuen Long District	93 (15.0%)	133 (17.4%)	89 (15%)
Tsuen Wan District	19 (3.1%)	29 (3.8%)	23 (3.9%)
Kwai Tsing District	55 (8.8%)	50 (6.6%)	56 (9.4%)
Tuen Mun District	73 (11.7%)	102 (13.4%)	76 (12.8%)
Outside Hong Kong ¹	8 (1.3%)	15 (2.0%)	4 (0.7%)
Incomplete information ²	22 (3.5%)	22 (2.9%)	20 (3.4%)
Total	622 (100%)	763 (100%)	594 (100%)

¹ Child abuse cases took place outside Hong Kong.

² The victims of the child abuse cases were unable to provide information about the places where the abuse took place.

MISS CHOY SO-YUK (in Cantonese): *President, from the figures provided by the Government, we can see that many worst-hit districts are those densely populated with grass-roots people. May I ask the Government whether the eligibility criteria for public housing will be relaxed, such as allowing splitting of households, in view of the gravity of child abuse or elder abuse problems?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, no analysis on whether relaxation of eligibility criteria for public housing can reduce violence cases has been conducted. At present, our most important strategy is early detection and intervention with a view to helping these families resolve their problems. I believe that if housing problem is the main cause of domestic violence, we will certainly resolve it with the co-ordination of the relevant departments.

MISS CHAN YUEN-HAN (in Cantonese): *Part (a) of the Miss CHOY's main question asks about the numbers of reported cases in 2002, 2005, 2006 and 2004. But the Secretary said that the department concerned did not have a breakdown of the marital status of these abusers. May I ask the Secretary why the authorities have not conducted such an analysis? For instance, information concerning whether they are single parents, new arrivals, families in poverty or in other situations will help the work of the Family Commission which will be set up by the Government in the future or the second half of the year because such analyses are very important. May I ask the Secretary why no analysis has been conducted even though plenty of information about so many cases has been collected?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the analysis we have conducted is mainly to examine, firstly, what kind of abuse it is, such as physical or mental abuse. We have made such classification. The second aspect, which is more important, is the relationship between the abuser and the abused. We have compiled some statistics on, for instance, whether the abuser is the parents, siblings, step-parents or other relatives of the abused. We have compiled statistics on these. But concerning the marital status of the parents, we indeed do not have any information at all. I have also asked the SWD whether it has compiled such statistics. Concerning whether this is useful information, we will certainly consider whether such information should be included in our information collection exercise. I understand Members' concerns and we will request the SWD to conduct a study on this.

MISS CHAN YUEN-HAN (in Cantonese): *Madam President, in the policy address.....the Secretary has not answered my question.....*

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, you only need to repeat the part of your supplementary question not answered. You do not have to mention other matters.

MISS CHAN YUEN-HAN (in Cantonese): *The last part of my supplementary question is: In view of the fact that the Government has conceived the setting up of the Family Commission in the second half of the year as mentioned in the*

policy address, why does the Government not make preparation for this? Such information will be very important for the Family Commission, why did the Government not collect such information?

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I cannot say for the time being whether this has any direct relationship with the Family Commission. Of course, as I just said, so far or in the past three years, around 63% or 67% of the abusers and the abused are parents and children in child abuse cases. We consider this an important factor. As to whether the marital status of the parents will have any impact on themselves, resulting in committing child abuse, we have not done such analysis.

MR ALBERT HO (in Cantonese): *I really find it hard to understand why the Government has not compiled any comprehensive statistics or conducted any studies in order to understand the abuse-ridden families, such as the marital status of family members and their financial and cultural background, when Hong Kong is facing such a serious domestic violence and child abuse problem. I really find it hard to understand. Now, the only and most useful information is the breakdown by districts in the Annex. I think the Secretary has also noted that the numbers of cases in Tuen Mun and Yuen Long have remained at double-digit for three consecutive years. These figures, which are more conspicuous than that of other districts, account for almost 30% of the total. May I ask the Secretary whether, on the surface of it, he has observed that this is due to the fact that there are more new immigrant families in these districts? Because these new immigrant families are facing cultural and language barriers, thus preventing them from making use of social services, in addition to their financial plight as a lot of restrictions have been imposed on the new arrivals concerning the allocation of public housing or granting of CSSA. So, may I ask whether these factors are related to the problem? If the Secretary considers the answer in the affirmative, what corresponding policy does he have to reduce the risk of child abuse?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we have certainly observed that there are more child abuse

cases in some districts such as Yuen Long, Tuen Mun and Kwun Tong. In response to the situation, we have also enhanced the resources in these three districts. To put it simply, the first and foremost measure is prevention by means of more publicity work. Mr HO can also see that there are many new arrivals in Tuen Mun who are relatively poor or the majority of whom are on CSSA. Thus we will engage in more social work. First, we will make sure they know that some social institutions can help them deal with their problems or resolve their psychological problems; second, we will also enhance integrated family services in these three districts and manpower of the Family and Child Protective Services Units. At present, the staff concerned do not just sit in the office to wait. Very often, they will build up a strong tie with the districts, thus enabling them to gain a better understanding of the residents and identify families with problems with a view to making early intervention.

As I just said, we have adopted a focused approach, that is, the introduction of the Comprehensive Child Development Service can really help those pilot districts because it enables timely identification of families at risk. Families at risk mean families which have problems in domestic harmony, for instance, the mother is a drug addict or single parent, or a family member is a psychiatric patient. It thus enables us to make early intervention. So, with the co-ordination of various parties, the Government and the NGOs will co-operate and deal with the problems. Concerning districts which are considered to be at high risk, we will certainly increase resources and raise our alertness. Meanwhile, we will also foster solidarity and mutual care among residents in the district. In respect of co-operation and mutual care, we will increase the number of projects in other subsidized items such as the Community Investment and Inclusion Fund and relevant efforts will be made. I believe this is a very difficult but essential task. We will also strengthen our efforts in the year to come.

MR ALBERT HO (in Cantonese): *President, the Secretary has not answered one point, that is, whether he has considered improving the policies concerning housing and CSSA which are pinpointing the new arrivals.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we will, in the light of the factors leading to child abuse, decide what strategies are the most effective. As I just said, if housing is the

most crucial factor, we will certainly discuss the issue with the relevant departments.

MR RONNY TONG (in Cantonese): *President, from the Annex, I can see that Yuen Long and Tuen Mun can be described as the black spots of child abuse. From the data, we can see that the figures have not lowered but show a rising trend, in particular those of Tuen Mun. May I ask the Government why no special measures have been taken to improve the situations of the two districts as they are black spots of child abuse? If measures have been taken, what are they? Can the Government tell us?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, perhaps let me reiterate that both prevention and intervention have been adopted as our measures. Concerning prevention, we have increased the number of projects in these districts, in the hope that we can help the single parents or the unemployed deal with problems such as teaching their children and other domestic problems. We have made efforts in these aspects. In respect of intervention, we have increased manpower in these three districts, in particular, the manpower of the child protection and serious case units has been increased so that early intervention can be made.

Besides, we have also strengthened co-ordination with the police and other NGOs. It will be much easier to make referrals, if any. Of course, I am sure that resources should always be increased as society changes. I agree that the number of child abuse cases may not decrease in view of the current service level. But I hope further efforts can be made in this aspect so that solidarity and harmony of the whole district can be enhanced and the figure of child abuse cases can be reduced. Besides, if signs of child abuse are detected, the relevant organizations can inform the social workers who will then effect intervention. As revealed in many child abuse cases, it was not the family concerned which took the initiative to provide information to the authorities. Rather, it was discovered by other people, in particular, the social workers, schools or neighbours. So, I think we must be more vigilant so that they will report the cases to the SWD in a timely manner, thus enabling early intervention.

MR RONNY TONG (in Cantonese): *President, according to the figures provided by the Secretary, there has been no improvement to the situation in the*

past three years, including 2006. In fact, is there not an urgent need for the Government to propose more special measures to deal with these particular problems?

PRESIDENT (in Cantonese): Your follow-up question is not entirely part of your previous supplementary question. For the sake of time saving, however, I will see if the Secretary has anything to add.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we will certainly seek innovative ideas and practices. We will do so. I am grateful to Mr Ronny TONG for reminding us that new ideas are always needed for tackling these problems. Of course, if the old idea still works, we will certainly continue to use it. However, we will also consider new practices if they are found to be more innovative and effective.

PRESIDENT (in Cantonese): We have spent more than 19 minutes on this question. Last supplementary question.

MS EMILY LAU (in Cantonese): *President, as Mr Albert HO just said, last week when the new Commissioner of Police attended a meeting of the Legislative Council, he told us that the cases of domestic violence had soared. However, the Secretary told us that according to the SWD's information, the number of child abuse cases has only increased by a small margin. May I ask the Secretary whether this figure is the most comprehensive? Why only figures from the SWD are provided? Has the police's data been examined in the light of information from other aspects? Just now the Secretary also said that it depended on reporting by other people. If the number of domestic violence cases has soared in recent years, has he analysed why only figures on these child abuse cases are available? Has he discussed the matter with other relevant departments so as to obtain some accurate figures, thus knowing the crux of the problem?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the police figures are certainly available to us. However, we still have to verify them. I will provide the figures to Members after the meeting as a supplement.

MS EMILY LAU (in Cantonese): *I find it very strange. As the question is about child abuse, why did the Secretary not provide a clear and updated answer in the main reply but saying that he would go back and verify the information? What is the reason? Why did he give us a half truth, thus depriving us of a full picture? Why did the Secretary choose to answer the question in such a manner?*

PRESIDENT (in Cantonese): You have asked a very good question which, however, is not part of your previous supplementary question. Let me see if the Secretary has anything to add.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the reasons for the cases reported to the police may not be the same as that reported to the SWD because some cases are reported to the police but no assistance have been sought from the social workers while, on the other hand, some have sought assistance from the social workers but are not reported to the police. As I am in charge of the SWD, I think we should provide the SWD figures to Members. However, if Members wish to have the police figures, I can provide them to Members. (Appendix I)

PRESIDENT (in Cantonese): Fifth question.

Regulation of Cosmetic Contact Lenses

5. **MR JASPER TSANG** (in Cantonese): *President, it has been reported that some members of the public have contracted eye diseases as a result of using cosmetic contact lens. In this connection, will the Government inform this Council:*

- (a) *whether it knows the respective numbers of such reported cases received by the authorities concerned in each of the past three years; and*
- (b) *how the quality, registration, sale, examination and fitting of cosmetic contact lens are regulated by the Government at present?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President,

- (a) Both the Department of Health (DH) and the Hospital Authority have not received any reports in the past three years of members of the public contracting eye diseases as a result of using cosmetic contact lenses.
- (b) The safety of consumer goods which are ordinarily supplied in Hong Kong, including cosmetic contact lenses, is subject to the regulation of the Consumer Goods Safety Ordinance and its subsidiary legislation, Consumer Goods Safety Regulation, both of which are enforced by the Customs and Excise Department (C&ED).

According to the general safety requirement for consumer goods as laid down in section 4 of the Consumer Goods Safety Ordinance, manufacturers, importers and suppliers of consumer goods have a duty to ensure that the consumer goods they supply are reasonably safe having regard to all of the circumstances, including:

- the purpose for which and the manner in which the consumer goods are on sale;
- the use of any mark in relation to the consumer goods and instructions or warnings given for the keeping, use or consumption of the consumer goods; and
- compliance with the reasonable safety standards published by a standards institute relating to consumer goods of that description and the existence of any reasonable means to make the consumer goods safer.

Where consumer goods are subject to regulation under the Consumer Goods Safety Ordinance, any labels affixed thereto which contain any warning or caution with respect to their safe keeping, use, consumption or disposal must be in both the English and the Chinese languages.

As regards risk management, the C&ED will from time to time send its staff to collect samples from shops for examination by the

Government Laboratory to ensure that consumer goods on sale in Hong Kong comply with the general safety requirement. On receipt of a complaint, the C&ED will take follow-up investigation to see whether the product under complaint meets the general safety requirement. So far, the C&ED has not received any complaint concerning cosmetic contact lenses.

Besides, cosmetic contact lenses for vision correction are also classified as a medical device. At present, importers or local manufacturers of medical devices may apply for entering their medical devices on a list maintained by the DH under the Medical Device Administrative Control System. Such an arrangement serves to facilitate a recall of products and the taking of follow-up action in case of any incident.

As for contact lenses fitting, under the Supplementary Medical Professions Ordinance and its subsidiary legislation, Optometrists (Registration and Disciplinary Procedure) Regulation, only qualified registered professionals are allowed to prescribe contact lenses or supply such lenses on prescription.

MR JASPER TSANG (in Cantonese): *President, although the Secretary said that the authorities had not received any case of members of the public contracting eye diseases as a result of using cosmetic contact lenses, the media reported that people had actually contracted eye diseases as a result of using cosmetic contact lenses, and according to ophthalmologists, after festivals or holidays, such as the Halloween or Christmas, there would always be people seeking medical consultation as a result of using these cosmetic contact lenses. Ophthalmologists added that the use of these cosmetic contact lenses will involve even greater risks because their oxygen permeability is low and it is more difficult for the curve of the lenses to suit the cornea, and also because of decolourization of the lenses. From the Secretary's main reply we can see that under the existing policy, contact lenses with a vision correction function are subject to strict regulation by the DH so long as they have dioptric power. Examination and fitting of such contact lenses with dioptric power must be undertaken by ophthalmologists or qualified registered optometrists. But non-prescription or plano contact lenses purely of a cosmetic nature are not subject to such regulation. May I ask the Secretary whether he agrees with the*

ophthalmologists that the risk of using cosmetic contact lenses with zero dioptric power is as great as, or even greater than, that of using contact lenses with dioptric power? Has the Secretary considered making reference to overseas practices by including non-prescription contact lenses as a medical device, so as to bring them under stringent regulation and hence prevent members of the public from being adversely affected as a result of using these contact lenses?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, as Mr Jasper TSANG's main question asked me about how these lenses are regulated at present, I, therefore, did not include in my reply how they will be regulated in the future.

The supplementary question asked by Mr TSANG earlier precisely pinpointed our major consideration now. We have found that the risk of these cosmetic contact lenses is more or less the same as, or even greater than, that of contact lenses for vision correction purposes. Mr TSANG mentioned earlier the problems involved, and these cosmetic contact lenses are available for sale in ordinary shops now. In view of this, we consider that these cosmetic contact lenses must be treated in the same way in the interest of public health. Our direction now is, firstly, to include both cosmetic contact lenses and contact lenses for vision correction as medical devices. We are in the course of formulating a piece of legislation on medical devices which, we hope, can be tabled before the Legislative Council in the next Legislative Session. Meanwhile, we hope that the prescription of such contact lenses must be made by optometrists, because even though the Government has not received any formal complaint or cases, some members of the public did complain about discomfort or problems after using these lenses. I think we must work in this direction for the protection of the people of Hong Kong.

As for the practices adopted in other countries, they are actually different from one country to another. In the United States, for instance, such cosmetic contact lenses are regarded as a medical device which can only be prescribed by optometrists. In Canada, these contact lenses are not considered as a medical device and they are treated as a cosmetic product. In the European Union, these contact lenses are considered neither a medical device nor a cosmetic product, which means that they are not subject to any regulation at all. In Singapore, as I have said, the prescription of these cosmetic contact lenses can only be made by optometrists. In Hong Kong, there is now great concern about health, and I think the right way forward is to treat cosmetic contact lenses in the

same way as contact lenses for vision correction purposes. Only this is the correct approach.

MR ALBERT CHAN (in Cantonese): *President, in part (a) of the main reply the Secretary said that the Government "had not received any reports in the past three years of members of the public contracting eye diseases as a result of using cosmetic contact lenses." However, there are indeed reports of such cases in the market or in the media, and professionals have also received such cases of people contracting diseases. Judging from the Secretary's reply that they had not received any such cases, does it reflect a lack of initiative on the part of the Bureau and government departments in dealing with this problem and serious defects in their handling of complaints, thus resulting in the Government not receiving any complaint at all when there is this problem in the market in reality? What will the Secretary do to improve this situation?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as far as I know, many people who developed minor problems after using these contact lenses will normally seek consultation with private medical practitioners or private ophthalmologists. On our part, disregarding whether it is the DH or the HA — the HA has a more comprehensive computer system on diagnoses which enables us to know whether or not there are such cases, and from the information we have obtained from the HA and the DH, we understand that they have not received any such cases. So, I personally think that we must tell Members honestly that we have not received such cases, but we appreciate the potential risks of these contact lenses, and we are also aware that some people have suffered discomfort after using these cosmetic contact lenses. This is all true.

MR ALBERT CHAN (in Cantonese): *President, in my supplementary question earlier I asked how this mechanism can be improved because many members of the public did seek medical consultation at out-patient clinics under the DH or the HA, and it is indeed questionable if it is said that no such cases had been received. Will the Secretary consider improving this mechanism?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we have to look into whether there are cases not reported or registered in the system. We must ascertain this point first.

DR KWOK KA-KI (in Cantonese): *President, the Secretary was right in saying that this is not the kind of statutory disease that must be reported and so, its registration is also not required. But my supplementary question is not about this. At present, high-risk cosmetic contact lenses are regulated by including them in the list of medical devices, but the Government has made very slow progress in respect of the regulation of medical devices. May I ask the Secretary whether he can speed up the work of the Government in handling the increasingly serious problems of various medical devices and set out the actual timetable?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the Government has commissioned a consultant to conduct the Regulatory Impact Assessment, because we understand that the definition of medical device and its coverage can be very broad, and as new devices come onto the market every day, it is necessary to incorporate into the scope of regulation those devices that affect the public most. In this connection, we must conduct more studies and when legislation is introduced, it is also necessary to conduct consultation. However, we have adopted an administrative practice of requiring registration of the devices with the DH, so that we will at least know the situation of most medical devices and envisage the problems that we will face when legislation is really enacted to impose regulation on them in the future. The consultancy commissioned by us plans to conduct consultation in the middle of this year and publish a report at the end of the year. We hope to bring the general issues or problems relating to this legislation to the Panel on Health Services for discussion in the next Legislative Session and embark on drafting the legislation.

MR JASPER TSANG (in Cantonese): *President, I thank the Secretary for telling us how the authorities are going to step up regulation of cosmetic contact lenses not for vision correction purposes. But we understand that it takes time to enact legislation, and the measures suggested by the Secretary earlier to enhance regulation may not be ready for implementation in two or three months' time. Before legislation is enacted to impose regulation, may I ask what measures will be put in place to minimize the risks that members of the public are exposed to when using these improper cosmetic contact lenses?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we will consider stepping up publicity among the public,

especially telling them that when they choose to use these contact lenses, they had better undergo an examination by and obtain prescription from registered optometrist, because improper handling of contact lenses may increase the incidence of complications. Recently, I have learned of a case, which is also reported in the press, that a foreigner became blind after using the contact lenses borrowed from a friend. I think this incident can serve as a warning. I also wish to take this opportunity to tell members of the public this: I hope they can understand that using these contact lenses carries a certain extent of risks, and there should be guidance from professionals on how they should use these contact lenses properly. This is an important message, and I hope that we can step up publicity on this. Afterwards, we will, for the purpose of regulation, expeditiously proceed to drafting the legislation.

MISS TAM HEUNG-MAN (in Cantonese): *President, I thank the Secretary for telling us that they would conduct studies and enact legislation and also conduct publicity among the public. I would like to know more about how the Secretary will educate the public and through what channels he will arouse greater public concern in a short time about the risks involved.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, the DH and my Bureau have conducted health education mostly through the media. When Members turn on the television and radio, they will watch and listen to our APIs. So, we hope to step up our work in this regard. We will also conduct studies with the industry on how to help them enhance publicity. Particularly, as the optometrists know, they have expertise in this field and so, they should be allowed to promote their service in this respect, so that members of the public can access these medical devices through proper and safe channels.

MISS CHOY SO-YUK (in Cantonese): *President, in the main reply the Secretary said that the C&ED would collect samples in the market for safety tests by the Government Laboratory. I would like to ask this: With regard to the very popular cosmetic contact lenses commonly known as the "big eyes", which enlarge the iris and hence makes the eyes look bigger, will the Secretary tell us whether the Government has conducted safety tests on this product; if no, will it conduct the tests?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have many samples with me now, and Miss CHOY can take a look at them if she is interested; some are big and some are small.

Certainly, the C&ED will conduct tests on products imported into Hong Kong to ascertain whether they meet certain international standards. As far as I understand it, many of these products are indeed certified to have reached the internationally-accredited ISO standards, which means that they can meet the safety requirements. But we think that the question is not as simple as just assuring the safety of the products. Even if a product is safe, is it suitable for use by everyone? This is a different matter. We must also consider the curve and size of the eyeball, whether or not the eyes have other diseases, for how long a person should wear the contact lenses, how the lenses should be cleansed after use, and so on. I think these are what all the people using contact lenses should know. So, I think there would be greater risks without the assistance of professionals to help consumers understand these products. For this reason, I think members of the public must better their understanding in this respect. As to whether using "big eyes" carries a higher level of risks, I have no idea, and I believe professional advice is a must. I will discuss this issue with our optometrists and see how they can provide assistance before the enactment of legislation.

MISS CHOY SO-YUK (in Cantonese): *President, I only asked the Secretary whether he would conduct tests on this product if no test had been conducted before.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, as I mentioned earlier, the product must be tested and accompanied with safety certification before it is allowed to be imported into Hong Kong. As to whether it is suitable for use by every citizen, it would be difficult to say and so, it must be tested by professionals of its suitability for use by consumers, because it may not be suitable for all consumers.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. Last supplementary question.

DR KWOK KA-KI (in Cantonese): *President, I can see that before legislation is enacted to impose regulation, we are relying on the C&ED to enforce the Consumer Goods Safety Ordinance. May I ask the Secretary whether he has, through the enforcement of the Consumer Goods Safety Ordinance by the C&ED, required importers or dealers to affix to the products labels containing suitable or proper warning or caution as suggested by professionals; and if so, to what extent this has been done?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): *Madam President, at present, the C&ED will collect samples in the market or upon arrival of the imported goods for examination to ascertain whether they are up to standard. Meanwhile, when certain products are offered for sale, they must be affixed with an instruction for users. On this point, I already explained it in the main reply and I think the existing legislation already confers on the C&ED the powers and responsibility to carry out work in this regard.*

PRESIDENT (in Cantonese): *Last oral question.*

Improvement to Disability Allowance Scheme

6. **MISS TAM HEUNG-MAN** (in Cantonese): *President, two kinds of allowances, namely the Disability Allowance (DA) and the Old Age Allowance (OAA), were provided to eligible persons under the Social Security Allowance (SAA) Scheme administered by the Social Welfare Department (SWD). In her direct investigation report published in November last year, The Ombudsman found many loopholes in the DA scheme, resulting in allowances being erroneously paid. In this connection, will the Government inform this Council:*

- (a) *whether it has, in response to the aforesaid report, formulated concrete measures to improve the DA scheme; if it has, of the details of such measures; if not, whether and when it will formulate such measures;*
- (b) *whether it has conducted internal investigations into whether the erroneous payment of allowance involved maladministration by government officers and instituted disciplinary proceedings against*

the officers concerned; if it has, of the progress of the investigations; if not, the reasons for that; and

- (c) *given that loopholes have been found in the DA scheme, whether the SWD has reviewed if there are inadequacies in the OAA scheme as well; if it has, of the outcome of the review; if not, the reasons for that?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, the DA under the SSA Scheme includes Normal Disability Allowance (NDA) and Higher Disability Allowance (HDA). DA is non-contributory and non-means tested. It is designed to provide a monthly cash allowance to Hong Kong residents who are severely disabled to meet their special needs arising from disability.

- (a) The Ombudsman has completed a direct investigation into the SWD's system for processing DA cases and published a report on 16 November 2006. A number of recommendations were made with regard to the dissemination of information to applicants, mechanisms for approving applications, and mechanisms for detecting errors. The Ombudsman also requested the SWD to submit a progress report in this regard within six months. The SWD is now following up The Ombudsman's recommendations and working on the implementation details. The progress report will be submitted to The Ombudsman within the timeframe as requested.

Since DA is paid in advance, overpayment is unavoidable due to unreported changes or late reporting of changes, particularly in cases involving hospitalization of severely disabled persons who understandably cannot report promptly to the SWD. Currently, the SWD has put in place various cross-checking mechanisms, periodic case reviews and random checks to detect unreported changes to minimize the chances of overpayment.

As DA payments are public money funded entirely by general revenue, the SWD will seek to recover the overpaid amount when cases of overpayment come to light in order to safeguard public funds. In working out the repayment arrangements, the SWD

takes into consideration the financial situation of the recipients concerned to ensure that the repayment will not lead to undue hardship.

The SWD will continue its efforts to minimize the chances of overpayment and will continue to keep under review its services to DA recipients, including the processing and handling procedures as well as internal workflow.

- (b) For overpayment cases obviously caused by human errors, the Administration will conduct internal investigation and institute disciplinary proceedings against the officers concerned.

Two cases concerning erroneous payment of allowance due to the negligence of the SWD staff were quoted in The Ombudsman's report. One of these cases involved erroneous payment made to an NDA recipient who had passed away years ago while the other involved NDA erroneously paid to a Normal Old Age Allowance (NOAA) recipient. The SWD has completed the internal investigation into these two cases and already instituted appropriate disciplinary proceedings against the officers concerned.

- (c) The SSA Scheme also includes the OAA, which comprises NOAA and Higher Old Age Allowance (HOAA). The OAA is designed to provide a monthly cash allowance to Hong Kong residents aged 65 or above to meet their special needs arising from old age. It is non-contributory. To be eligible for the allowance, the total income and assets of NOAA applicants aged 65 to 69 and their spouses must not exceed the prescribed limits whereas HOAA applicants aged 70 or above are not subject to a means test.

The applicant or his/her relative/friend can make an application directly to a social security field unit near to his/her place of residence by phone, by fax, by e-mail, by post or in person. An application may also be made through a referral to the SWD by another government department or non-governmental organization. The applicant can also download the application form from the SWD homepage and return the completed application form, together with photocopies of relevant supporting documents, to the social security

field unit by mail or in person. Upon the receipt of the application, the SWD will arrange an interview with the applicant and cross-check the information given by the applicant. Same as processing DA applications, the SWD will also conduct data matching with other government departments and organizations to detect any unreported changes to the information provided.

The well-established mechanism for OAA payments has been working in an effective manner. We do not see a need at this stage to conduct a review in this regard.

MISS TAM HEUNG-MAN (in Cantonese): *If the Government does not review the mechanism for OAA payments, I would have doubts. According to the information in the main reply, the number of cases and the amount of allowance paid out each month under the OAA are greater than those for DA. If loopholes similar to those found in the DA mechanism exist in the mechanism for OAA payment, they may lead to substantial loss of public money. In view of the huge sums involved, if the Government does not conduct a review of the risks that exist, this may be unfavourable to the Government. Will the Government reconsider examining this mechanism to see if there are any loopholes?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, it is easier to verify whether someone is advanced in years or whether he is still alive, so there is less likelihood of paying out OAA erroneously. In contrast, with regard to NDA and HDA, since the recipients may be admitted into and discharged from hospital frequently or their period of hospitalization may exceed 30 days and it is consequently necessary to deduct their allowance, the situation in this regard is more complicated. We already have adequate information to ensure that we will find out quickly in the event of overpayment of OAA. If a recipient has passed away, we will know quickly. Therefore, I believe there is no need to follow the suggestion of Miss TAM and review this issue again.

MR FREDERICK FUNG (in Cantonese): *President, I do not quite agree with the response given by the Secretary just now and I will give the reason in my supplementary. In one case, a DA applicant was overpaid for over a decade.*

The authorities did not find out for more than a decade and this situation is unacceptable. Although the Secretary said in part (b) of the main reply that an internal investigation had been completed and appropriate disciplinary proceedings against the officers concerned had been instituted, may I ask the Government if it has recovered the overpaid amount of allowance, which runs into more than a hundred thousand dollars? Since the person concerned received both DA and Comprehensive Social Security Assistance (CSSA), it is not possible for that person to repay that sum amounting to more than a hundred thousand dollars. In fact, do the disciplinary proceedings include requiring the officer concerned to help repay the money? Furthermore, since the Government is the employer of the officer concerned, does it have to help the officer concerned repay the money?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): We cannot disclose the details of the disciplinary proceedings instituted by the Civil Service Bureau because privacy must be safeguarded. However, it is equally necessary for me to state that insofar as this kind of cases is concerned, we do not require the civil servants concerned to repay the money.

DR FERNANDO CHEUNG (in Cantonese): *The Secretary said in the main reply that generally speaking, the overpaid amounts of DA had to be recovered because they were public money and the Government had to do so as a matter of principle. However, the main reply of the Secretary also shows that mistakes have indeed been made. In the past, due to the maladministration of the SWD — as pointed out in the report of The Ombudsman, there were problems such as negligence, lax attitude, use of unclear terminology in review forms, unclear instructions in internal guidelines and scanty records — some family members or people with disabilities are now being asked to repay the allowance that they received unwittingly in the past and the amounts run into hundreds of thousands of dollars. May I ask the Secretary if such an approach smacks of a lack of compassion?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have already said in the main reply that if any public money is overpaid, we will definitely recover it. As regards compassion, we have asked these people to make the repayments gradually so that they will not

experience particular hardship as a result of having to repay the allowance. Therefore, we have already taken this aspect into consideration. I think that it is particularly necessary for the Government to work properly when dealing with matters relating to public money. As regards whether the applicant was at fault, I do not wish to comment on this case here. However, generally speaking, colleagues of the SWD will explain clearly to an applicant his rights and responsibilities. In recent years, it is stated clearly in the guidelines that if an applicant has to be admitted into a hospital, a home or a hostel, he has an obligation to give notice, so applicants should already be aware of this. I have made enquiries with the front-line officers of the SWD and learned that they will explain to nearly every applicant that they have such an obligation. Therefore, I think in many cases, the responsibility does not rest entirely with the Government and the applicants also have to bear some responsibility.

DR FERNANDO CHEUNG (in Cantonese): *President, the Secretary has not replied. I said just now that The Ombudsman had pointed out in the report that misadministration included negligence, use of unclear terminology in review forms, unclear instructions in internal guidelines, scanty records, and so on, but the responsibility of all these does not lie in the applicants. What I want to ask the Government is: Does the present approach of recovering all the money regardless of who is at fault reflect a lack of compassion?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I have said that this is not the case. We have dealt with the case concerned with the greatest latitude and the greatest compassion.

MR LAU KONG-WAH (in Cantonese): *President, actually, The Ombudsman criticized the SWD for not carrying out random checks on the cases, however, it seems the Secretary has not responded to this point. However, has any negligence or loophole occurred now? May I ask the Secretary if he will consider whether this is because the number of cases is excessive and the manpower is too little?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, regarding a number of cases dealt with by The Ombudsman,

problems occurred because the SWD had not yet implemented full computerization at that time and this is particularly so for the case involving overpayment of allowance for over a decade. Now, since computerization has been implemented in the SWD and other relevant organizations, for example, the Hospital Authority or the Education and Manpower Bureau has also established databases, it is possible to keep closer tabs on when applicants are admitted into and discharged from hospitals each month. We believe that in terms of system, it should now be possible to stamp out or minimize a lot of problems. As regards whether there can be any human error, of course, it is necessary for us to train our colleagues constantly so that they know how to handle the cases. Regarding whether manpower has to be increased, this depends on the workload of each district. The SWD will decide whether manpower has to be increased according to the needs of the office in each district.

MR LAU KONG-WAH (in Cantonese): *President, the Secretary has not answered my supplementary, which is ultra short, that is, whether the number of cases is far too great. The number of cases has increased, however, the manpower has been frozen. In view of this, is the manpower inadequate?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, at present, we can see that the number of cases is on the increase, however, the increase is not particularly drastic. Therefore, I think that if there is a need, the Director of Social Welfare is in a position to deploy manpower to do the work in this regard properly.

MR FREDERICK FUNG (in Cantonese): *President, I wish to follow up the supplementary I asked just now. The Secretary said just now that it was not proper for him to comment because the privacy of the officers concerned might be involved. However, in fact, it was not the disciplinary proceedings against individual officers that I was asking about. I was only saying that the officer concerned had made it necessary for people who had been overpaid to repay a large sum of money, be it due to maladministration or the use of unclear terminology, and The Ombudsman has also pointed out these problems. However, these people are still on CSSA. The amount of CSSA is calculated by the SWD and the monthly amount of CSSA is more or less equivalent to the expenses. If these people have to repay the money, to some extent, this is the*

consequence of maladministration by certain officers in the Government or the unclear terminology used when these officers enforced policies, but this has caused a great deal of hardship to these families receiving CSSA. Insofar as this case is concerned, as the employer, the Government did not consider how to assist those victims when taking actions against the officers concerned but merely allowed them to repay the money in instalments. This is meaningless because even though they can repay the money in instalments, they still have to pay an additional sum of money each month but this is not factored into the CSSA. If the CSSA can be increased accordingly, this is another story, however, this is not the case.

PRESIDENT (in Cantonese): Have you put your supplementary?

MR FREDERICK FUNG (in Cantonese): *All right, President. I hope the Secretary will explain clearly why such a course of action was not followed.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, we must consider what support can be given to these people according to the financial circumstances of each individual. If they owe the Government money, of course, we have to recover it and any government has the duty to do so. However, on this occasion, even though we are recovering the money from them, we still allow them to repay it in instalments. Moreover, the period of repayment is very long, so their livelihood will not be affected, nor will any particular hardship be caused. In view of this, we have dealt with this case appropriately.

PRESIDENT (in Cantonese): We have spent 16 minutes on this question. Last supplementary.

DR FERNANDO CHEUNG (in Cantonese): *The Secretary said in the main reply that if front-line officers made mistakes, disciplinary proceedings would be instituted. However, according to The Ombudsman's report, those mistakes in fact include inadequate explanatory material and unclear instructions in internal guidelines, that is, there are problems with both the internal and external*

guidelines and this also shows that the attitude adopted by the SWD towards the real cause of the overpayment of allowance is obfuscation. It seems that these problems relate to mistakes in management. May I ask the Secretary what disciplinary proceedings will be instituted by the Government if there are mistakes in management or when maladministration has occurred?

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, since these cases were not dealt with by my Bureau but by the Civil Service Bureau, I do not have the relevant information on hand to give any response. However, I have to stress that all officers, be they front-line officers or officers in the management, have to bear some responsibility. If their work is improper, we will take appropriate disciplinary proceedings. Besides, we are not just talking about front-line officers here.

DR FERNANDO CHEUNG (in Cantonese): *Can the Secretary provide after the meeting the information that he cannot provide right now? Because he said that he did not have the relevant information now.*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): Madam President, I will not do that because the Civil Service Bureau has laid down some regulations. We will not make disclosure on internal disciplinary proceedings against individuals, particularly those against civil servants.

DR FERNANDO CHEUNG (in Cantonese): *President, I am not talking about individuals and I am not asking the Secretary to disclose any names. What I mean is that as a matter of policy, what disciplinary proceedings will the Secretary take?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese): I can provide some information to Members to explain how civil servants deal with the problem of civil servants making mistakes. (Appendix II)

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**Expediting Delivery of Leisure and Cultural Services Projects**

7. **MR ABRAHAM SHEK:** *President, so far, the Government has been able to further advance the delivery of eight out of the 25 leisure and cultural services (LCS) priority projects. With a view to further exploring ways to speed up the delivery of LCS projects, the Government has established a steering committee to oversee the implementation of these projects and to resolve problems impeding progress. In this connection, will the Government inform this Council:*

- (a) *how the steering committee resolves problems in meeting the administrative requirements relating to land utilization and plot ratio before these projects are launched, so as to speed up the implementation of the projects; and*
- (b) *whether it will further review the timeframe for the delivery of the remaining 17 LCS priority projects mentioned above?*

SECRETARY FOR HOME AFFAIRS: President,

- (a) The Steering Committee co-chaired by the Permanent Secretary for Home Affairs and Permanent Secretary for the Environment, Transport and Works (Works) met in December 2006 to review the implementation of LCS projects. It examined the existing administrative arrangements and procedures, and discussed how the implementation of LCS projects could be sped up. Regarding the issues related to site utilization and plot ratio, views from the other bureaux and departments concerned would have to be sought before a possible way forward could be mapped out.
- (b) As the LCS priority projects progress along, we will continue to actively explore whether there is room for advancing their delivery timetable.

Local Consumption of Nostoc Flagelliforme

8. **MR MARTIN LEE** (in Chinese): *President, regarding the local consumption of Nostoc flagelliforme, that is, hair moss, will the Government inform this Council:*

- (a) *whether it knows, in each of the past five years, the quantity of Nostoc flagelliforme imported into Hong Kong, from where Nostoc flagelliforme is imported for sale in the market, and of the quantity of illegally imported Nostoc flagelliforme seized by the Government in the territory;*
- (b) *whether it has conducted sampling tests on Nostoc flagelliforme for sale in the local market in the past five years; if so, of the quantity of fake Nostoc flagelliforme found; and*
- (c) *whether it has studied, from the environmental protection perspective, introducing legislation to prohibit the import of Nostoc flagelliforme; if it has, of the study results; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS

(in Chinese): President,

- (a) According to the records of the Census and Statistics Department, the quantity of Nostoc flagelliforme (Black Moss) imported into Hong Kong in the past five years is as follows:

<i>Year</i>	<i>Weight (kg)</i>
2002	383
2003	110
2004	70
2005	467
2006	0

Nostoc flagelliforme was imported from mainland China, Singapore, Canada and the United States, and so on. The Customs and Excise Department did not seize any illegally imported Nostoc flagelliforme in the past five years.

- (b) In the past five years, the Food and Environmental Hygiene Department conducted chemical tests on 17 samples of Nostoc flagelliforme, including colouring, heavy metals, preservatives and pesticides from the perspective of food safety. All the test results were satisfactory.

- (c) Nostoc flagelliforme is not an endangered species. It is not listed as a controlled species in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Protection of Endangered Species of Animals and Plants Ordinance currently in force in Hong Kong was enacted according to the control measures stipulated in the CITES. Therefore, we do not prohibit the import of Nostoc flagelliforme.

Supply of Private Housing Land and Private Residential Units

9. **MR LEE WING-TAT** (in Chinese): *President, with regard to the supply of private housing land and private residential units, will the Government inform this Council:*

- (a) *of the respective numbers of unsold private residential units which were under construction and which were completed as at the end of December 2006;*
- (b) *of the total area of disposed residential sites for which construction had yet to start, and the estimated number of residential units to be constructed, as at the end of December 2006, together with a breakdown by the types of the sites (for example, sold government sites, railway/Urban Renewal Authority (URA)/privately-owned sites with planning approval for residential use and for which requisite lease modifications or land exchanges have been executed with the Government, and so on); and*
- (c) *in respect of potential private housing land supply,*
- (i) *of the total area of the sites included in the List of Sites for Sale by Application (Application List) and the estimated number of units to be constructed; and*
- (ii) *of the total area and the permissible gross floor area of the sites which have not been included in the Application List but intended to be disposed of in the next five years, together with a breakdown by the types of the sites (for example, government residential sites which are yet to be sold, railway/URA sites which are yet to be awarded to joint*

venture developers, and privately-owned sites with planning approval for residential use but for which requisite lease modifications or land exchanges have yet to be agreed with the Government, and so on)?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Chinese):
President, my reply to the three-part question is as follows:

- (a) As at end December 2006, we estimate that the number of unsold private residential units which were completed is 19 000, and that of those which were still under construction (excluding those sold by pre-sale) is 40 000.
- (b) As at end December 2006, the total area of disposed residential sites for which construction has yet to start is 36 hectares and it is estimated that around 10 000 flats will be produced. A breakdown of the sites is as follows:

	<i>Area (hectares)</i>	<i>Estimated number of flats to be produced</i>
Railway projects	7	5 000
Land sale by the Government	4	2 000
URA projects	Less than 1	Less than 500
Lease modification/Land exchange	25	3 000

- (c) The figures (as at end December 2006) are as follows:

	<i>Area (hectares)</i>	<i>Estimated number of flats to be produced</i>
Residential sites included in the Application List but not yet sold	26	12 000
Potential residential land supply in the next five years	536	139 000

The figures for "Potential residential land supply in the next five years" denote the possible maximum supply of private residential sites known at the present stage. As the exact supply is subject to actual market demand and other factors such as progress of land formation/and premium agreement/land exchange, it would not be practicable for us to provide exact breakdown figures.

Statistics on Primary and Secondary Day School Students

10. **MS AUDREY EU** (in Chinese): *President, will the Government inform this Council of the numbers (or provisional numbers) of students and classes in secondary and primary day schools in Hong Kong in the 2006-2007 school year, broken down by sector (including government, aided, Direct Subsidy Scheme, private and international schools) and by grade?*

SECRETARY FOR EDUCATION AND MANPOWER (in Chinese): President, schools normally provide us with information on the enrolled students during the few months after the start of a school year and the data provided by individual schools will also have to be verified. Accordingly, at the present moment we are only in a position to provide the provisional number of students and operating classes in primary and secondary day schools broken down by sector and by grade in the 2006-2007 school year. The information is set out in the Appendix.

Appendix

Provisional Number of Students and Operating Classes in Primary and Secondary Day Schools by Sector and by Grade, 2006-2007

Grade	Sector													
	Government		Aided		Caput		Direct Subsidy Scheme		Private		International		All Sectors	
	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes
Primary One	4 053	133	46 320	1 525	-	-	2 118	74	4 194	138	3 270	151	59 955	2 021
Primary Two	4 137	133	46 213	1 509	-	-	1 679	58	3 918	130	3 029	130	58 976	1 960
Primary Three	4 437	140	50 939	1 614	-	-	1 449	50	4 111	130	2 941	123	63 877	2 057
Primary Four	4 895	151	57 901	1 733	-	-	1 459	48	4 481	134	2 900	121	71 636	2 187
Primary Five	5 282	161	61 533	1 833	-	-	1 402	46	4 745	147	2 789	117	75 751	2 304
Primary Six	5 447	167	66 321	1 972	-	-	946	32	4 922	147	2 685	112	80 321	2 430
Primary One to Primary Six	28 251	885	329 227	10 186	-	-	9 053	308	26 371	826	17 614	753	410 516	12 958

Grade	Sector													
	Government		Aided		Caput		Direct Subsidy Scheme		Private		International		All Sectors	
	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes	No. of Students	No. of Classes
Secondary One	5 629	151	68 890	1 783	892	24	7 544	217	422	17	2 368	93	85 745	2 285
Secondary Two	5 969	158	69 498	1 786	924	24	6 991	190	265	11	2 302	90	85 949	2 259
Secondary Three	5 949	158	68 415	1 786	973	25	6 628	181	168	10	2 165	88	84 298	2 248
Secondary Four	5 916	154	65 885	1 670	1 050	25	7 353	205	742	27	2 019	85	82 965	2 166
Secondary Five	5 694	155	61 593	1 672	943	24	6 773	206	1 648	56	1 845	81	78 496	2 194
Secondary Six	2 346	77	23 499	753	381	11	3 460	106	1 887	59	1 634	75	33 207	1 081
Secondary Seven	2 214	79	21 707	749	353	11	3 017	102	1 521	55	1 303	64	30 115	1 060
Secondary One to Secondary Seven	33 717	932	379 487	10 199	5 516	144	41 766	1 207	6 653	235	13 636	576	480 775	13 293

- Notes: (1) Figures do not include special schools.
(2) Figures refer to the position as at September 2006. They are provisional and are subject to revisions.
(3) Caput does not apply to primary schools.
(4) International schools include English Schools Foundation schools.
(5) Figures on operating classes involve a small number of combined classes, that is, classes operated in the same classroom comprising students of different grades. When counting the total number of classes in a school, combined class is treated as one class. When counting the number of classes broken down by grade, combined class is split into different classes in proportion to the number of students from different grades and the number is rounded to the nearest integer. Accordingly, figures on operating classes for individual grades may not add up to the total number of classes in schools.

Pollution from Dismantling of Used Pachinko Machines

11. **MR JAMES TO** (in Chinese): *President, an associate professor of a local university has stated in a web blog that recently some Hong Kong businessmen imported to Hong Kong used pachinko machines installed with circuit boards and transistors, which contain toxic heavy metals such as lead and mercury, in the name of old machinery, and workshops have been set up in Yuen Long to disassemble the machinery parts for delivery to the Mainland. In this connection, will the Government inform this Council:*

- (a) *whether it knows the number of the above pachinko machines that were imported to Hong Kong in the name of used machinery in the past year, and whether it has taken up the matter with the government of the country from which such machines originated;*

- (b) *whether it will consider establishing a mechanism to plug the loopholes through which businessmen import such pachinko machines to Hong Kong in the name of used machinery;*
- (c) *whether it has studied if the acts, including importing pachinko machines, disassembling them and reshipping their parts, of the abovementioned Hong Kong businessmen has violated the existing laws of Hong Kong; if they have violated the law, of the details including the penalty which may be imposed;*
- (d) *whether it has discovered that the chemical contents, such as lead or other heavy metals, of the abovementioned workshops have reached a level which may pose a treat to public health; if it has, of the details; and*
- (e) *given that the harmful pollutants of pachinko machines come primarily from circuit boards, whether it has studied if such harmful pollutants are subject to the regulation of the existing laws of Hong Kong; if they are subject to such regulation, of the details; if they are not, whether the Government will enact legislation to regulate the means of disposing circuit boards with harmful pollutants; if it will, of the criteria adopted by the Government for determining the quantity and concentration of the harmful pollutants contained in the circuit boards?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS (in Chinese): President, in accordance with the Waste Disposal Ordinance (WDO), import or export of controlled waste for any purpose requires a permit from the Environmental Protection Department (EPD) in advance. Failure to do so is an offence. Upon conviction, the responsible person is liable to a maximum fine of \$200,000 and imprisonment for six months. Controlled waste under the WDO includes waste listed in the Seventh Schedule; and waste not listed in the Six Schedule of the WDO, such as cathode ray tubes from televisions or computer monitors, used batteries, or components containing mercury or any other toxic heavy metals. The requirements of the WDO are in line with the international Basel Convention on trans-boundary movement of hazardous waste.

- (a) In the past year, the EPD carried out more than 500 inspections on control of import and export of waste. Out of these inspections, there were four cases which involved used pachinko or game machines imported from Japan, but no controlled waste was found.

The EPD has no statistical figures related to the import of used pachinko or game machines in the past.

Owing to the fact that no controlled waste was found in the used pachinko or game machines imported from Japan, the EPD had not taken these specific cases up with the Japanese Government. That said, the EPD has been in close communications with overseas governments, including Japan, on waste import and export control matters and for experience sharing. The most recent one was a meeting with the Japan Ministry of Environment held in Hong Kong in November 2006. The EPD will continue to monitor closely the import of used pachinko or game machines and to liaise with the Japan Ministry of Environment for co-operation on enforcement matters;

- (b) The WDO controls "waste" and related matters, it is inappropriate to apply its control over used or second-hand goods. The EPD has issued a guideline to the relevant trades on "Import or export of second hand electrical and electronic appliances and hazardous waste control". The guideline sets out the detailed requirements of the WDO and provides guidelines to help the trade to differentiate waste from second-hand goods. The EPD has uploaded the guideline onto its departmental website for easy reference by the relevant trades. In the event that imported used pachinko or game machines are found to contain any controlled waste, the EPD will follow up and take enforcement actions.
- (c) Operation of electronic waste storage sites is subject to control by the relevant environmental legislation; including the Air Pollution Control Ordinance, Noise Control Ordinance, Water Pollution Control Ordinance, WDO and their subsidiary legislations. The EPD has been taking a stern stance against non-compliance and will consider taking prosecution action once an offence is spotted. Maximum penalties under these environmental legislations vary, up to a maximum fine of \$200,000 and imprisonment for six months. In the past three years, the EPD carried out 1 270 inspections and instigated 13 prosecutions on electronic waste storage sites at remote areas in the New Territories. The offenders of all the 13 cases were convicted with fines ranging from \$ 2,000 to \$ 15,000. On waste import/export control, no offence related to the import of used pachinko or game machines was found in the same period.

- (d) In 2005, the EPD collected soil samples from six electronic waste storage sites in Ta Kwu Ling and Hung Lung Hang for analysis of heavy metals including lead. Results revealed that the soil had lead concentrations all below the acceptable level set by the United States Environmental Protection Agency for lead in soil for children playing areas, thus not posing unacceptable health risk.
- (e) For waste printed circuit boards containing toxic substances to a level that cause pollution or constitute a danger to health, they would be classifiable as chemical waste under the Waste Disposal (Chemical Waste) (General) Regulation, and their disposal arrangements shall follow the regulatory requirements. The main components of used pachinko or game machines recently imported into Hong Kong were plastic and metals. A small amount of printed circuit boards was found in some shipments but they did not contain toxic metal to the extent to be regarded as controlled waste that amounted to causing pollution or constituting a danger to public health. For every suspected non-compliance case, the EPD would carry out investigation, conduct professional assessment and follow up with enforcement actions, if considered appropriate.

Subventing Non-profit-making Arts Organizations

12. **MR FRED LI** (in Chinese): *President, through annual subventions, the Leisure and Cultural Services Department (LCSD) provides funding support to five non-profit-making arts organizations, namely, the Hong Kong Chinese Orchestra (HKCO), Hong Kong Dance Company (HKDC), Hong Kong Repertory Theatre (HKRT), Hong Kong Philharmonic Society (HKPS) and Hong Kong Arts Festival Society (HKAFS). In this connection, will the Government inform this Council of the following in respect of the past three years:*

- (a) *the respective annual amounts of funding received by each of the above organizations, and their respective percentages in the total annual expenditures of the organizations concerned;*
- (b) *the respective annual numbers of performance activities held by each of the above organizations at various cultural performance venues (including town halls and civic centres) in the New Territories, together with a breakdown by the nature of such activities; and*

- (c) *the respective annual average usage rates of the cultural performance venues at various districts in the New Territories, and the respective usage rates of such venues excluding the performance activities held by the above organizations?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) The annual subvention amounts for the HKPS, HKCO, HKDC, HKRT and HKAFS and their respective percentage shares in the total expenditure of the organizations concerned over the last three years are as follows:

<i>Organization</i>	<i>Subvention Amount (Percentage out of total expenditure)</i>		
	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>
HKPS	\$61,716,064 (71.5%)	\$59,078,000 (61%)	\$56,538,000 (61.6%)
HKCO	\$52,612,000 (90.5%)	\$50,343,000 (90.7%)	\$48,178,000 (93.9%)
HKDC	\$27,391,966 [#] (97.4%)	\$28,152,864 (90.8%)	\$25,864,512 (89.9%)
HKRT	\$28,415,952 (90%)	\$27,256,002 (81.2%)	\$25,499,913 (77.4%)
HKAFS	\$17,035,545 (28.2%)	\$16,441,000 (26.7%)	\$15,734,000 (24.9%)

[#] The amounts of subvention paid out to the five organizations were on a decreasing trend from 2003-2004 to 2005-2006 as a result of the Government's cost saving measures. It was also the case with the HKDC but in 2003-2004, whereas the original approved subvention amount was \$29,777,000, the actual amount spent was lower because the HKDC cancelled a production in 2003-2004 to find time to participate in the musical "Sweet and Sour Hong Kong (酸酸甜甜香港地)" jointly with the HKRT and HKCO.

- (b) The LCSD operates the following performance venues including town halls and civic centres in the New Territories:

<i>District</i>	<i>Performance Venue</i>
Sha Tin	Sha Tin Town Hall Auditorium and Cultural Activities Hall
Tsuen Wan	Tsuen Wan Town Hall Auditorium and Cultural Activities Hall

<i>District</i>	<i>Performance Venue</i>
Tuen Mun	Tuen Mun Town Hall Auditorium and Cultural Activities Hall
Kwai Tsing	Kwai Tsing Theatre Auditorium and Exhibition Gallery
Yuen Long	Yuen Long Theatre Auditorium
Tai Po	Tai Po Civic Centre Auditorium
North District	North District Town Hall Auditorium

The number of performances and other activities of the abovementioned five arts organizations which were held at these venues, with breakdown on whether they are paid programmes or free programmes, are as follows:

(A) HKPS

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2003-2004	Sha Tin Town Hall Auditorium	3 (2 073)	8 (10 962)
	Tsuen Wan Town Hall Auditorium	6 (4 199)	4 (5 680)
	Tuen Mun Town Hall Auditorium	3 (1 902)	-
	Kwai Tsing Theatre Auditorium	1 (752)	-
	Yuen Long Theatre Auditorium	1 (261)	2 (1 670)
	Total:	14 (9 187)	14 (18 312)
2004-2005	Sha Tin Town Hall Auditorium	3 (3 275)	4 (5 456)
	Tsuen Wan Town Hall Auditorium	3 (2 741)	-
	Tuen Mun Town Hall Auditorium	1 (1 341)	4 (5 327)
	Total:	7 (7 357)	8 (10 783)
2005-2006	Sha Tin Town Hall Auditorium	3 (2 789)	-
	Tuen Mun Town Hall Auditorium	2 (1 229)	4 (5 025)
	Total:	5 (4 018)	4 (5 025)

* Free concerts for students

Apart from the above, the HKPS also gave free performances/master classes/workshops at schools in the New Territories, as summarized below:

<i>Financial Year</i>	<i>Number of performances (Total audience number)</i>	<i>Number of master classes/workshops (Total participant number)</i>
2003-2004	23 (13 999)	2 (468)
2004-2005	5 (3 430)	7 (1 686)
2005-2006	25 (12 511)	6 (550)

(B) HKCO

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2003-2004	Sha Tin Town Hall Auditorium	2 (1 030)	-
	Tsuen Wan Town Hall Cultural Activities Hall	6 (1 465)	-
	Total:	8 (2 495)	-
2004-2005	Sha Tin Town Hall Auditorium	6 (4 505)	-
	Kwai Tsing Theatre Auditorium	1 (920)	-
	Total:	7 (5 425)	-
2005-2006	Sha Tin Town Hall Auditorium	2 (2 000)	-
	Sha Tin Town Hall Plaza	-	2 (8 000)
	Tuen Mun Town Hall Auditorium	2 (2 000)	-
	Total:	4 (4 000)	2 (8 000)

* Free concerts for students and the general public

Apart from the above, the HKCO also gave performances at schools and shopping malls in the New Territories, as summarized below:

<i>Financial Year</i>	<i>Number of performances (Total audience number)</i>
2003-2004	12 (6 666)
2004-2005	21 (33 581)
2005-2006	11 (5 250)

(C) HKDC

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2003-2004	Kwai Tsing Theatre Auditorium	8 (5 753)	-
	Sha Tin Town Hall Auditorium	-	1 (800)
	Yuen Long Theatre Auditorium	2 (1 801)	-
	Total:	10 (7 554)	1 (800)

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2004-2005	Sha Tin Town Hall Auditorium	3 (1 445)	-
	Kwai Tsing Theatre Auditorium	1 (614)	1 (1 350)
	Yuen Long Theatre Auditorium	2 (1 296)	-
	Tsuen Wan Town Hall Auditorium	1 (997)	-
	Total:	7 (4 352)	1 (1 350)
2005-2006	Kwai Tsing Theatre Auditorium	6 (4 159)	1 (6 300)/ Kwai Tsing Theatre Plaza
	Sha Tin Town Hall Conference Room	-	1 (120)
	Tsuen Wan Town Hall Auditorium	-	1 (1 353)
	Yuen Long Theatre Auditorium	1 (1 060)	-
	Total:	7 (5 219)	3 (7 773)

* Free performances for the general public

Apart from the above, the HKDC also gave performances and talks at schools in the New Territories, as summarized below:

<i>Financial Year</i>	<i>Number of performances (Total audience number)</i>	<i>Number of talks (Total participant number)</i>
2003-2004	93 (23 860)	1 (140)
2004-2005	44 (22 836)	-
2005-2006	77 (18 990)	2 (620)

(D) HKRT

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2003-2004	Tuen Mun Town Hall Lecture Room	-	1 (85)
	Total :		1 (85)
2004-2005	Kwai Tsing Theatre Auditorium	11 (4 294)	-
	Kwai Tsing Theatre Exhibition Gallery	21 (1 936) and 1 Drama Camp (33)	
	Total:	33 (6 263)	-
2005-2006	Kwai Tsing Theatre Auditorium	12 (5 947)	3 (220)
	Tsuen Wan Town Hall Auditorium	-	1 (1 250)
	Total:	12 (5 947)	4 (1 470)

* Free activities for the general public

Apart from the above, the HKRT also gave performances and talks at schools in the New Territories, as summarized below:

<i>Financial Year</i>	<i>Number of performances (Total audience number)</i>	<i>Number of talks</i>
2003-2004	93 (23 860)	1 (140)
2004-2005	44 (22 836)	-
2005-2006	77 (18 990)	2 (620)

(E) Hong Kong Arts Festival Society (HKAFS)

<i>Financial Year</i>	<i>LCSD venue in the New Territories</i>	<i>Number of ticketed performances (Total audience number)</i>	<i>Number of free performances* (Total audience number)</i>
2003-2004	Sha Tin Town Hall Auditorium	2 (1 766)	-
	Kwai Tsing Theatre Auditorium	9 (4 301)	-
	Total:	11 (6 067)	-
2004-2005	Sha Tin Town Hall Auditorium	3 (2 551)	-
	Kwai Tsing Theatre Auditorium	3 (1 271)	-
	Total:	6 (3 822)	-
2005-2006	-	-	-

The HKAFS also arranged talks and performances (free admission) at schools in the New Territories, as summarized below:

<i>Financial Year</i>	<i>Number of performances (Total audience number)</i>	<i>Number of talks (Total participant number)</i>
2003-2004	20 (15 000)	-
2004-2005	23 (17 250)	-
2005-2006	19 (14 250)	7 (755)

- (c) The respective annual average usage rates of the abovementioned performance venues in the New Territories, and their respective usage rates excluding the performance programmes organized by the above five arts organizations are at Annex.

Usage Rate of the LCSD Performance Venues in the New Territories in 2003-2004

Venue	Annual average usage rate %	Number of days available for booking (Note 1)	Hong Kong Philharmonic Orchestra (HKPO) (Note 2)		HKCO (Note 2)		HKRT (Note 2)		HKDC (Note 2)		Hong Kong Arts Festival (HKAF) (Note 2)		Sub-total %	Annual average usage rate excluding the five groups
			No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %		
Sha Tin Town Hall Auditorium	83.60%	323	3	0.93%	2	0.62%	0	0.00%	1	0.31%	3	0.93%	2.79%	80.81%
Cultural Activities Hall	78.30%	327	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	78.30%
Kwai Tsing Theatre (Note 3) Auditorium	94.20%	291	1	0.34%	0	0.00%	0	0.00%	14	4.81%	15	5.15%	10.31%	83.89%
Tsuen Wan Town Hall Auditorium	78.00%	338	15	4.44%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4.44%	73.56%
Cultural Activities Hall	71.80%	362	0	0.00%	4	1.10%	0	0.00%	0	0.00%	0	0.00%	1.10%	70.70%
Tuen Mun Town Hall Auditorium	72.80%	225	2	0.89%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.89%	71.91%
Cultural Activities Hall	57.90%	337	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	57.90%
Yuen Long Theatre Auditorium	70.50%	305	2	0.66%	0	0.00%	0	0.00%	1	0.33%	0	0.00%	0.99%	69.51%
North District Town Hall Auditorium	60.30%	302	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	60.30%
Tai Po Civic Centre Auditorium	85.10%	337	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	85.10%

Note 1: A number of days were reserved for regular maintenance and major renovation works.

Note 2: As hirer of the venues, or participant in programmes presented/sponsored by the LCSD or in events organized by other users (for example, District Councils).

Note 3: The primary purpose of the Exhibition Gallery of Kwai Tsing Theatre was for exhibitions and had not been booked for performance or other activities by any of the five groups in 2003-2004.

Usage Rate of the LCSD Performance Venues in the New Territories in 2004-2005

Venue	Annual average usage rate %	Number of days available for booking (Note 1)	HKPO (Note 2)		HKCO (Note 2)		HKRT (Note 2)		HKDC (Note 2)		HKAF (Note 2)		Sub-total %	Annual average usage rate excluding the five groups
			No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %		
Sha Tin Town Hall Auditorium	95.96%	346	5	1.45%	8	2.31%	0	0.00%	7	2.02%	4	1.16%	6.94%	89.02%
Cultural Activities Hall	84.83%	356	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	84.83%
Kwai Tsing Theatre Auditorium	98.48%	329	0	0.00%	3	0.91%	(Note 3) 15	4.56%	6	1.82%	(Note 3) 0	0.00%	7.29%	91.19%
Exhibition Gallery	90.14%	365	0	0.00%	0	0.00%	(Note 4) 272	74.52%	0	0.00%	0	0.00%	74.52%	15.62%
Tsuen Wan Town Hall Auditorium	91.70%	169	3	1.78%	0	0.00%	0	0.00%	1	0.59%	0	0.00%	2.37%	89.33%
Cultural Activities Hall	69.86%	203	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	69.86%
Tuen Mun Town Hall Auditorium	74.50%	297	8	2.69%	(Note 5) 8	2.69%	0	0.00%	0	0.00%	0	0.00%	5.38%	69.12%
Cultural Activities Hall	60.06%	323	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	60.06%
Yuen Long Theatre Auditorium	68.38%	291	0	0.00%	0	0.00%	0	0.00%	1	0.34%	0	0.00%	0.34%	68.04%
North District Town Hall Auditorium	56.80%	298	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	56.80%
Tai Po Civic Centre Auditorium	94.29%	313	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	94.29%

Note 1: A number of days were reserved for regular maintenance and major renovation works.

Note 2: As hirer of the venues, or participant in programmes presented/sponsored by the LCSD or in events organized by other users (for example, District Councils).

Note 3: The HKRT contributed three performances to the Hong Kong Arts Festival 2005.

Note 4: The HKRT booked the Kwai Tsing Theatre Exhibition Gallery as the Sheung Wan Civic Centre (the Theatre's home base) was unavailable due to renovation. Out of 272 days booked, 251 days were for rehearsals and 21 days were for performances.

Note 5: The bookings of HKCO at Tuen Mun Town Hall were for rehearsals only.

Usage Rate of the LCSD Performance Venues in the New Territories in 2005-2006

Venue	Annual average usage rate %	Number of days available for booking (Note 1)	HKPO (Note 2)		HKCO (Note 2)		HKRT (Note 2)		HKDC (Note 2)		HKAF (Note 2)		Sub-total %	Annual average usage rate excluding the five groups
			No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %	No. of days booked	Usage rate %		
Sha Tin Town Hall Auditorium	96.15%	312	2	0.64%	4	1.28%	0	0.00%	0	0.00%	0	0.00%	1.92%	94.23%
Cultural Activities Hall	84.80%	342	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	84.80%
Kwai Tsing Theatre (Note 3) Auditorium	92.52%	321	0	0.00%	0	0.00%	16	4.98%	8	2.49%	0	0.00%	7.47%	85.05%
Tsuen Wan Town Hall Auditorium	79.45%	287	(Note 4) 4	1.39%	0	0.00%	1	0.35%	1	0.35%	0	0.00%	2.09%	77.36%
Cultural Activities Hall	71.03%	329	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	71.03%
Tuen Mun Town Hall Auditorium	70.27%	296	4	1.35%	1	0.34%	0	0.00%	1	0.34%	0	0.00%	2.03%	68.24%
Cultural Activities Hall	71.51%	323	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	71.51%
Yuen Long Theatre Auditorium	73.24%	299	0	0.00%	0	0.00%	0	0.00%	1	0.33%	0	0.00%	0.33%	72.91%
North District Town Hall Auditorium	60.70%	341	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	60.70%
Tai Po Civic Centre Auditorium	95.27%	338	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0.00%	95.27%

Note 1: A number of days were reserved for regular maintenance and major renovation works.

Note 2: As hirer of the venues, or participant in programmes presented/sponsored by the LCSD or in events organized by other users (for example, District Councils).

Note 3: The primary purpose of the Exhibition Gallery of Kwai Tsing Theatre was for exhibitions and had not been booked for performance or other activities by any of the five groups in 2005-2006.

Note 4: The bookings of HKPO at Tsuen Wan Town Hall were for rehearsals only.

Reduction of Tseung Kwan O Hospital Beds

13. **MR LI KWOK-YING** (in Chinese): *President, I have learnt that the Hospital Authority (HA) has decided to reduce, gradually in three months' time from January this year, a total of 75 beds, or about 20% of the beds, at Tseung Kwan O Hospital (TKOH). In this connection, will the Government inform this Council:*

- (a) *whether it knows if the HA has conducted prior consultation on its above decision; if the HA has done so, of the time and results of consultation; if it has not, the reasons for that;*
- (b) *whether it knows the ratio of hospital beds to population in Tseung Kwan O (TKO) after the reduction of the hospital beds, and how the HA ensures that the medical services in that area will not be affected by the reduction of the hospital beds; and*
- (c) *whether it has assessed the impact of the above decision on the expansion plans for TKOH and Haven of Hope Hospital (HHH); if it has, of the assessment results?*

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Chinese):
President,

(a) and (b)

The services of the HA are provided on a cluster basis. At present, hospitals under the Kowloon East Hospital Cluster (KE Cluster), including United Christian Hospital (UCH), TKOH and HHH, provide services for residents in East Kowloon, TKO and Sai Kung Districts. The HA has been closely monitoring and reviewing the service utilization within the KE Cluster, and will flexibly arrange for redeployment of resources among the hospitals under the Cluster to ensure that adequate services are made available to meet the medical needs of the population in the area. The relevant adjustment and restructuring of services are part of the routine internal operation of the Cluster.

For better utilization of resources and to meet service demand and development, the KE Cluster plans to restructure the services of

TKOH, and converge convalescent service under HHH early this year. According to the reorganization plan, TKOH will close down 38 (not 75) convalescent beds while HHH in the same district will redeploy a similar number of beds internally to support TKOH's convalescent service. The implementation of the reorganization plan will not affect the relevant medical services in the TKO District. The ratio of beds to population in the KE Cluster will be 2.34 beds per 1 000 population. Furthermore, the KE Cluster will adopt complementary measures to tie in with the restructuring plan, which include enhancement of supportive services such as non-emergency ambulance service for convalescent patients as well as rationalization of the delivery process of various hospital services.

The HA has been communicating closely with the District Councils and other local organizations regarding its provision of medical services. In respect of the restructuring of TKOH's convalescent service, the HA's Cluster Chief Executive (Kowloon East) has maintained active dialogue with the Sai Kung District Council (SKDC) and will brief the members of the SKDC on the restructuring plan at the SKDC's meeting.

- (c) The KE Cluster will regularly review its services having regard to the demographic changes and increase in service demand and service utilization within the area, while mapping out plans for the provision of facilities and services in the future. The HA is now drawing up expansion plans for TKOH, and will, in accordance with established procedures, examine these plans before submitting them to the Administration for consideration. The aforesaid plan to redeploy TKOH's convalescent beds is aimed at rationalizing the services of the KE Cluster and achieving better utilization of resources. It will not affect the future provision of services or the work plans for TKOH and HHH.

Manpower Shortage in Information Technology Industry

14. **MR SIN CHUNG-KAI** (in Chinese): *President, according to the results of a survey, the information technology (IT) industry will face a serious shortage of manpower in the coming three years. In addition, people in the industry have told me that many IT students do not join the IT sector after graduation. In this connection, will the Government inform this Council:*

- (a) *of the number of mainlanders granted approval to engage in IT work in Hong Kong each year since the launch of the Admission Scheme for Mainland Talents and Professionals (ASMTP) in July 2003, together with a breakdown by the types of jobs in which they were mainly engaged when the approval was granted, such as software development, information security, network technologies and scientific researches;*
- (b) *whether it will relax the vetting and approving criteria for the ASMTP, including that the job which the mainlander is employed to take up in Hong Kong cannot be readily taken up by the local workforce; if it will, of the details; if not, the reasons for that;*
- (c) *whether it has formulated new measures to relieve the manpower shortage in the local IT industry in the short term and resolve the problem in the long run; if it has, of the details; and*
- (d) *whether it plans to conduct in the near future a survey on the future demand and supply of IT manpower, to enable a more accurate grasp of the situation; if it has, of the details of its plan; if not, the reasons for that?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): President,

- (a) According to the statistics of the Immigration Department (ImmD) broken down by industry (that is, employer sector) under the ASMTP, the number of approved cases of mainlanders admitted into Hong Kong to work for IT companies each year since the launch of the ASMTP in July 2003 is as follows:

<i>2003 (July to December)</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
20	109	104	149

The above statistics includes mainlanders engaging in IT or other work in Hong Kong IT companies under the ASMTP, but does not include mainlanders engaging in IT work in other industries (that is, non-IT companies).

The ImmD does not have detailed statistics on the major types of jobs taken up by these mainlanders at the time of approval.

- (b) The ASMTP was implemented in July 2003 to facilitate the entry of mainland talents into Hong Kong for employment so as to meet the needs of the economy of Hong Kong and to unify the conditions for mainland and non-mainland residents entering Hong Kong for employment. The ASMTP imposes neither sectoral restrictions nor any quota. Generally speaking, the vetting and approving criteria of the ASMTP include: (i) the applicant possessing a good education background, but under special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievement would also be acceptable; (ii) has been or will be employed in a job relevant to his/her academic qualifications or working experience, and such a job cannot be readily taken up by the local workforce; and (iii) the remuneration (including income, accommodation, medical and other fringe benefits) for the job is broadly commensurate with the prevailing market level for local professionals.

The above criteria are in line with those under the General Employment Policy applicable to non-mainland residents entering Hong Kong for employment. Therefore, the Government does not have any plan to change the vetting and approving criteria of the ASMTP at present.

- (c) The Government is committed to nurturing local talents through local universities and relevant training institutes, and to attracting talents from the Mainland and around the world to come to Hong Kong to sustain its economic development. The IT industry has been changing rapidly, but the local IT manpower market is very open and can moderate supply and demand flexibly. Local IT practitioners in general can also maintain their competitiveness through continuous learning. The Government therefore finds no need for devising short-term relief measures. The Government's long-term strategy is to encourage the local IT workforce to continuously upgrade their professional competency and knowledge so as to maintain their competitiveness. The Government has also actively encouraged the IT sector to establish the Qualification Framework (QF) and strongly supported the industry to implement formal recognition of professional competency.

The QF will help industry identify the training needs and competency standards required for employees, so as to facilitate the promotion of vocational education and training. In this connection, the Government has set up an Industry Training Advisory Committee (ITAC) for the information and communications technology sector in July 2005. The ITAC will soon complete the drafting of the Specification of Competency Standards for industry-wide consultation. Training programmes, developed on the basis of the competency standards, will be market-driven and will meet the changing needs of the industry.

- (d) The Committee on Information Technology Training and Development of the Vocational Training Council conducts manpower surveys on a regular basis to assess the future manpower supply and demand situation in the IT sector. The Committee has launched a new round of surveys in April 2006 to project the manpower supply and demand situation up to 2010. The manpower projection and related analytical work are underway. It is anticipated that such work will be completed in the first quarter of this year and the projection results will then be released.

Nuisance Caused by Advertising Light Boxes

15. **MR ALBERT CHAN** (in Chinese): *President, recently, I received many complaints from members of the public that the light emitted from advertising light boxes (ALBs) on the external walls of many buildings has caused nuisance to residents, making it difficult for them to fall asleep. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received in each of the past three years about the nuisance caused to residents by ALBs on the external walls of buildings, and the number of cases in which such complaints were successfully handled and residents concerned were no longer affected by the nuisance; and*
- (b) *whether it will consider strengthening the regulation of ALBs on the external walls of buildings to ensure that they will not cause nuisance to residents; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT, TRANSPORT AND WORKS
(in Chinese): President,

- (a) the Government does not have overall statistics on the complaints received by relevant departments. Based on available information, the Environmental Protection Department (EPD) received three, 15 and 15 such complaints respectively during the three-year period from 2004 to 2006. Despite the fact that these complaints fall outside the responsibility of the EPD and that there is no relevant legislation to control this type of nuisance, the EPD followed up these cases by persuading the owners of ALBs to minimize the nuisance. There were four cases where the nuisance was successfully resolved through this means.
- (b) ALBs are subject to control by various government departments including the Buildings Department, Fire Services Department, Marine Department, Hong Kong Police Force, Civil Aviation Department and Food and Environmental Hygiene Department. The Government has to ensure that ALBs are structurally safe; will not become a serious risk of fire; will not interfere with road, marine and aviation traffic; will not disfigure the natural beauty of any scenery or affect injuriously the amenities of any locality. However, the light intensity of ALBs and whether they cause nuisance to nearby residents falls outside the current scope of control. The Government does not have any plan to broaden the existing legislative control to cover this area.

Submarine Cables Damaged by Earthquake

16. **MS EMILY LAU** (in Chinese): *President, a number of submarine cables were damaged by a severe earthquake which occurred in Luzon Strait on the 26th of last month. External telecommunications services in Hong Kong (including IDD calls, roaming calls and Internet access to overseas websites) were seriously affected for several days following the earthquake. In this connection, will the executive authorities inform this Council:*

- (a) *whether they have assessed the impact of this incident on small and medium enterprises (SMEs), including the number of SMEs which have suffered economic losses and the total amount of such losses, as well as the number of SMEs which have not yet resumed normal operation and the relevant details;*

- (b) *whether they know the details of the insurance taken out by SMEs against business losses arising from natural disasters; and*
- (c) *of the measures in place to assist the SMEs affected?*

SECRETARY FOR COMMERCE, INDUSTRY AND TECHNOLOGY (in Chinese): President,

- (a) Following the implementation of contingency measures by the telecommunications operators, communication and Internet services between Hong Kong and other places resumed within a short period of time after the earthquake. For example, IDD and roaming services resumed normal within two to three days after the earthquake while more than 80% of international connection capacity of the Internet service recovered gradually. As Hong Kong's external communications services have quickly recovered, the Government did not undertake a study to assess the impact of this incident on the overall economy and SMEs as well as the potential economic losses;
- (b) Given the large number of SMEs in Hong Kong, the Government does not have information on the details of insurance policies subscribed by SMEs against business losses arising from natural disasters; and
- (c) In the light of this incident, we will enhance the existing reporting mechanisms so that timely announcements can be made to the public, including SMEs, if there are widespread disruptions to external telecommunications services in the future. The Office of the Telecommunications Authority (OFTA) is currently working with the telecommunications industry and the enhanced reporting mechanism is expected to be implemented in February 2007. In addition, the OFTA has initiated discussions with individual telecommunications service operators with a view to urging them to map out appropriate contingency plans to reduce the potential impact of natural disasters to the provision of external telecommunications services in Hong Kong. The OFTA will examine their contingency plans to ensure efficient backup capacity and effective diversity will be available to deal with emergencies.

On the other hand, we will help SMEs better prepare for potential future disruption to Internet access and/or external telecommunications services. The Office of the Government Chief Information Officer will enhance the content of their public education programme. The contents in the SME section of the one-stop information security portal (<www.infosec.gov.hk>) as well as the booklet on SME Information Security Guideline will also be enriched to provide advice on measures that could be taken to cater for the event of Internet services disruption and other adverse conditions. In addition, the Small and Medium Enterprises Committee will hold a discussion to explore possible ways to enhance SMEs' ability in handling similar emergency issues. Industry and trade associations, including SME associations, can apply for the SME Development Fund managed by the Trade and Industry Department, to carry out projects to help SMEs prepare for contingency plans in future.

Standard Chartered Hong Kong Marathon 2007

17. **MR FREDERICK FUNG** (in Chinese): *President, the Standard Chartered Hong Kong Marathon 2007 will be held on the 4th of March this year. When the event was held last year, the participation of many runners who had not been adequately trained for running, coupled with the serious air pollution on that day, resulted in a number of participants feeling unwell, and the sudden death of a man. In this connection, will the Government inform this Council whether it has taken the initiative to contact the Hong Kong Amateur Athletic Association (HKAAA), the event organizer, to find out the new measures formulated by the HKAAA for this year's event to prevent the recurrence of the aforesaid situation; if so,*

- (a) *of the specific details of these new measures, such as reviewing the eligibility criteria for joining the race; providing the relevant training, promoting the knowledge of long-distance running and organizing warm-up races; improving the routings and order at the start of the race; reviewing the number and distribution of water stations, first-aid stations, medical staff and event personnel; improving the arrangements for dealing with such situations as emergencies, serious air pollution or inclement weather, and so on; and*

- (b) *whether it has assessed if such new measures are adequate and will be effective; if so, of the assessment result; if not, the reasons for that?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President,

- (a) The Administration is always very concerned over the arrangements, especially those relating to safety, for major sports events. It was a regret that a participant died in the Standard Chartered Hong Kong Marathon last year. Immediately after the incident, we took the initiative to contact the organizer (that is, the HKAAA) to conduct a review and to discuss ways to improve the arrangements for future events.

We learn that in light of last year's experience, the HKAAA will, in addition to continuing the procedures and arrangements that have been effective over the years, adopt a series of new safety measures for the Standard Chartered Hong Kong Marathon 2007. The main ones of the new safety measures include the following:

- (i) *To strengthen public education and publicity:*

In October 2006, the HKAAA introduced a new initiative known as "Marathon 101" to disseminate knowledge of long-distance running through the online community, Internet websites, primary and secondary school programmes, competitions and training, and organize warm-up matches. Professionals and The Hong Kong Polytechnic University have also been asked to give special talks to enhance public awareness of safety in relation to the sports of marathon.

- (ii) *To rearrange the procedures of the event:*

The HKAAA will rearrange the grouping of participants of the Marathon for this year. Participants with similar running speeds will be placed in the same group, race start time for each group will be rescheduled and participants for the full marathon will be allowed to finish within five hours and 30 minutes (which is half an hour longer than that of the previous year).

(iii) *To enhance medical support services:*

The HKAAA will make arrangements to increase the number of ambulances from five in last year to seven while the number of medical staff and event personnel will also be increased to over 500. Besides, the HKAAA will provide on-course physiotherapy service for the first time with a view to further enhancing the medical support.

(iv) *To offer new environmental protection measures:*

In order to further reduce emission from event vehicles (including the lead car and the timing cars) moving along the running course, six environmentally-friendly vehicles instead of petrol-driven ones will be used as event vehicles to provide a better environment for the competition.

As the organizer of the event, the HKAAA will not only enhance the safety measures for the event but will also remind participants to pay attention to their physical conditions and make good preparation for the event by, for example, undergoing training programmes to improve their physical fitness before the event. Moreover, participants should exert themselves in accordance with their personal health status and conditions on the competition day and to seek help from site staff when necessary and feasible.

- (b) The Administration believes that with the established arrangements and the above new measures, the HKAAA can further improve the safety standard for the Marathon this year so that participants will enjoy a safe and challenging marathon. The Administration will continue to liaise closely with the HKAAA to review and evaluate the effectiveness of the various arrangements after the event.

Occupational Safety of Supermarket Staff

18. **DR KWOK KA-KI** (in Chinese): *President, regarding occupational safety of supermarket staff, will the Government inform this Council:*

- (a) *of the respective numbers of cases in which supermarket staff, such as cashiers and tally clerks, were injured at work or confirmed to*

have suffered from occupational diseases in each of the past five years; and

- (b) *of such cases in the past year, what types of work injuries and occupational disease cases are of the highest number, and what are the posts involved?*

SECRETARY FOR ECONOMIC DEVELOPMENT AND LABOUR (in Chinese): President,

- (a) The occupational injuries for the sector of retail of foodstuffs and consumer goods (including supermarkets) in 2002, 2003, 2004, 2005 and the first half of 2006 were 2 228, 2 091, 2 244, 2 264 and 1 108 respectively. The Labour Department (LD) does not compile statistics specifically for the supermarket trade. During the period, there was only one supermarket employee confirmed to have contracted occupational disease in 2005.
- (b) In 2005 and the first half of 2006, the most common types of accidents for the sector of retail of foodstuffs and consumer goods included:
- (i) injured whilst lifting or carrying (25.9%);
 - (ii) slip, trip or fall on same level (18.4%);
 - (iii) injured by hand tool (14.7%);
 - (iv) striking against or struck by moving object (12.4%); and
 - (v) striking against fixed or stationary object (7.7%).

The above five types of accidents accounted for almost 80% of the total occupational injuries. In the same period, there was one shop assistant of a supermarket confirmed to have contracted the occupational disease of "tenosynovitis". We are unable to provide information on the most accident-prone posts, as the LD does not have such a breakdown.

Foreign Domestic Helpers Committing Crimes

19. **MR LAU KONG-WAH** (in Chinese): *President, will the Government inform this Council:*

- (a) *of the respective numbers of foreign domestic helpers (FDHs) prosecuted and convicted in each of the past three years, with a breakdown by the category of crimes involved and how they were uncovered (for example, from reports by employers), as well as the maximum and minimum penalties imposed on the convicts by the Court;*
- (b) *as employers are required to provide air tickets for FDHs to return to their places of origin upon expiry or termination of their employment contracts, whether the authorities have reviewed if this requirement has affected the employers' decision on whether or not to report their FDHs to the authorities for crimes allegedly committed by them; and*
- (c) *whether it will stipulate that applications for taking up of employment in Hong Kong as domestic helpers from abroad shall be accompanied by a certificate of no criminal conviction from the FDHs' places of origin?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) According to information of the police and the Immigration Department (ImmD), the number of prosecutions for offences involving FDHs over the past three years, broken down by the category of crime, is as follows:

<i>Category of crime</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Overstaying	291	186	308
Miscellaneous theft	245	307	322
Shop theft	140	130	136
Illegal working	110	119	83
Wounding and aggravated assault	8	8	7
Others	58	112	78
Total number of offences that were prosecuted	852	862	934

The number of convictions for offences involving FDHs for the same period is as follows:

<i>Category of crime</i>	2004	2005	2006
Overstaying	283	188	304
Miscellaneous theft	235	277	324
Shop theft	128	122	137
Illegal working	102	114	79
Wounding and aggravated assault	2	3	1
Others	49	95	85
Total number of convicted offences	799	799	930

Note: The figures for 2006 are provisional ones, and the same person may be involved in more than one offence at the same time.

The penalty imposed on the convicted persons varied from a fine of \$100 to an imprisonment of three years and six months.

The Administration has not kept separate statistics on how the cases were uncovered. In general, such cases are uncovered through the following channels:

- reported by the public or the employer concerned;
- intercepted at various control points of the ImmD; or
- detected during operations against illegal workers or routine inspections.

- (b) As stipulated in clause 7(a) of the standard employment contract for FDHs, the employer shall provide the FDH with free return passage to his/her place of origin on termination or expiry of contract. In addition, the employer, as the sponsor, has to undertake in the visa application of the FDH that he/she will be responsible for sending the FDH back to the FDH's place of origin if, at the expiry of stay granted by the Director of Immigration, the FDH fails to leave Hong Kong.

The provision is to ensure the FDH's smooth return to his/her place of origin and to prevent the FDH from overstaying in Hong Kong due to insufficient fund for his/her home passage. The provision should have no direct relationship with employers' decision on whether or not to report their FDHs for crimes.

- (c) Like other applications for visa to take up employment in Hong Kong, FDHs are not required to provide a certificate of no criminal

conviction from their places of origin when they apply to take up employment in Hong Kong.

If an FDH is convicted for committing a crime in Hong Kong, the ImmD will keep a record of his/her conviction so that it would be taken into account when considering his/her application for employment visa or extension of his/her limit of stay in future.

Water Seepage in Private Buildings

20. **MISS CHOY SO-YUK** (in Chinese): *President, since the end of 2004, the Buildings Department (BD) and the Food and Environmental Hygiene Department (FEHD) have progressively set up Joint Offices (JOs) in various districts to provide "one-stop" service for handling public complaints about water seepage in private buildings. When the source of water seepage has been identified, the JO concerned may issue a Nuisance Notice to the relevant person(s) or apply to the Court for a Nuisance Order, requiring that person(s) to abate the nuisance. Failure to comply with the Notice or Order may result in prosecution. In this connection, will the Government inform this Council:*

- (a) *of the following in respect of each JO since its establishment:*
 - (i) *the number of complaints about water seepage received;*
 - (ii) *the number of instances in which an application for a warrant was made to the Court to enter the flat in question to investigate the cause of water seepage;*
 - (iii) *the number of cases in which the cause of water seepage was identified, and the average time taken between the receipt of a complaint and identification of the source of water seepage; and*
 - (iv) *the respective numbers of instances in which a Nuisance Notice was issued and an application was made to the Court for a Nuisance Order; the respective numbers of cases in which prosecution was instituted against the person who failed to comply with the Notice or Order, the respective numbers of convictions and the penalties imposed by the Court; and*

- (b) *among the cases for which water seepage tests were conducted by various JOs, of the percentage of those in which only the colour test is conducted; as there are complaints that the test is ineffective, whether the JOs will totally switch to using other more effective methods; if it will, of the timetable and details; if not, the reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Chinese):

President, my reply to the two parts of the question is as follows:

- (a) The pilot JO to handle water seepage problems, established by the BD and FEHD, was first launched in the Sham Shui Po District in late December 2004, and the service was extended to 19 offices over the whole territory in mid-2006.

Since the implementation of the JO scheme, we have received a total of 14 012 complaints. Out of the 8 268 completed cases, 3 908 cases required tests to identify the source of water seepage, in which 2 272 cases succeeded in having the source of seepage located, accounting for about 58% of the tested cases, representing a significant increase as compared with the success rate of 14% before the establishment of the JOs. To handle such type of cases, agreements have to be made with the complainants regarding the time for site inspection and respondents' consents in allowing repeated inspections inside the premises have to be sought. As such, it takes on average 115 days from receiving to concluding a complaint.

Among the cases handled by the JOs, there were 20 cases that "Warrants to Effect Entry into the Premises" had to be applied from the Court. As at the end of 2006, the JOs issued a total of 302 "Nuisance Notices". Prosecution has been instigated in seven cases for non-compliance. Three of these cases have been concluded and the persons concerned have been fined \$1,000 to \$2,000. The Court has also issued "Nuisance Orders" to two of them to require the abatement of the nuisances. The concerned persons have later carried out the necessary repair works and the problems have been successfully solved.

Since different JOs are established at different times, the numbers of complaints they handled vary. The statistics of the JOs by region since their establishment are at Annex.

- (b) Colour water test has been employed in about 95% of cases that need to identify the source of water seepage and has attained a very high success rate. The colour water test is simple and effective for the detection of defects or damages in drainage pipes and water proofing of floor slabs. This test facilitates evidence collection by enforcement officers to confirm the source of water seepage and its non-destructive nature is also widely accepted by the public.

In dealing with water seepage complaints, the JOs will adopt different tests depending on the site conditions and needs. Tests include flow meter test, reversible pressure test, water storage test for floor slabs or roofs, fluorescent colour water test, infrared thermal test, and so on.

The JOs will continuously review the mode of operation, with a view to further improving the services provided.

Annex

	<i>Number of complaints received*</i>	<i>Number of cases completed</i>	<i>Number of cases that need investigation of source of water seepage</i>	<i>Number of cases with source of water seepage identified</i>	<i>Number of applications made to the Court for "Warrant to Effect Entry into the Premises"</i>	<i>Number of "Nuisance Notices" issued</i>	<i>Number of applications made to the Court for "Nuisance Orders"</i>
Hong Kong	3 866	2 063	868	359	2	59	0
Kowloon	7 433	5 081	2 755	1 777	18	232	2
New Territories	2 713	1 124	285	136	0	11	0
Total	14 012	8 268	3 908	2 272	20	302	2

Remark* Some of the complaint cases received have later been withdrawn by the complainants or found to be false reports.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bill: First Reading.

HOUSING (AMENDMENT) BILL 2007

CLERK (in Cantonese): Housing (Amendment) Bill 2007.

Bill read the First time and ordered to be set down for Second Reading pursuant to Rule 53(3) of the Rules of Procedure.

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

HOUSING (AMENDMENT) BILL 2007

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, I move the Second Reading of the Housing (Amendment) Bill 2007 (the Bill).

Before introducing the Bill, I would firstly like to reaffirm the Government's long-standing policy objective on public housing, which has been to provide subsidized public rental housing (PRH) to low-income families who are unable to afford private rental housing, and to maintain the average waiting time for PRH at around three years. It has also been the established policy of the Housing Authority (HA) to set the PRH rent within the affordability of the tenants. These policy objectives may look simple, but putting these into practice calls for huge public subsidies, including the Government's enormous capital expenditure on land formation and construction of public housing. The day-to-day management and maintenance of about 700 000 PRH units throughout the territory also incurs considerable costs.

Some 30% of Hong Kong's population are living in PRH. How PRH rent is to be determined and adjusted rationally such that it is affordable to the tenants while bearing in mind the sustainability of the PRH programme has been an area of major concern to the community. The controversy of the matter at issue has been further aggravated by the existing median rent-to-income ratio (MRIR) provision of the Housing Ordinance.

Section 16(1A) of the existing Housing Ordinance provides that the MRIR of all the PRH tenants shall not exceed 10% after any determination of variation of rent by the HA for any particular estate. For those senior Members of this Council, they would no doubt recall that section 16(1A) was introduced by way of a private Members' Bill in June 1997 before Hong Kong's return to the Motherland. It was passed in great haste. The 10% MRIR cap was introduced merely as an expedient measure to restrict the HA's powers to increase rent. To adopt the MRIR as a statutory mechanism for rent adjustment has serious drawbacks. The operation of the provision over the past 10 years has clearly brought to light the following problems:

- (a) Although the Court of Final Appeal ruled that the 10% MRIR cap applies only to the HA's decisions to increase rent, but not to reduce rent, the statutory cap effectively means that, regardless of the underlying and extraneous factors pushing up the MRIR, PRH rents can only go down but not go up once the MRIR has exceeded 10%. A domestic rent regime which only allows for rent reduction but not increase is neither rational nor sustainable in the long run.
- (b) The continuing rise in the MRIR has been brought about by a host of extraneous factors, which include an increasing number of PRH tenants receiving Comprehensive Social Security Assistance, a rising proportion of elderly or small households who usually have lower income, the exit of high income tenants, improvement in the space allocation standard and replacement of old estates by new ones. To determine the extent of rent adjustments indiscriminately on the basis of the movement in the MRIR may produce results that are highly distorted and not practicable. This was clearly demonstrated in the rent review exercise ordered by the High Court in 2004, which suggested that a substantial rent reduction of 38% would be required to bring the then MRIR of 14.2% to below 10%. Is such an astonishing rate of rent reduction reasonable? And is it affordable to the community?
- (c) The existing legislation, which only imposes restrictions on rent increases, falls short of providing an objective basis for the HA to consider when a rent reduction is warranted. Nor does it help define the extent of such a reduction.

The HA has therefore conducted a comprehensive review of its domestic rent policy and an extensive public consultation. The objective is to identify a more flexible and appropriate rent adjustment mechanism that matches more closely tenants' affordability and helps promote the long-term sustainability of the PRH programme. One of the key recommendations of the review is to develop an income-based rent adjustment mechanism to determine the extent of rent adjustments according to changes in PRH tenants' household income. Only when the overall household income of PRH tenants shows an increase, will it be possible for the HA to increase the rent at the same rate. On the contrary, if there is a decrease in PRH tenants' overall household income, the HA will have to adjust the PRH rent downwards at the same rate accordingly. To track the income movement of PRH tenants, the HA will collect more accurately

income data from PRH tenants through a declaration system. The Census and Statistics Department has agreed to compile an income index for PRH tenants on behalf of the HA to enhance the credibility of the computation process.

To put in place this new income-based rent adjustment mechanism effectively, we need to amend the Housing Ordinance to repeal the provisions on the MRIR cap. Although the new mechanism could be implemented through administrative means, we are keenly aware of PRH tenants' wish for statutory control over the HA's power to adjust rent under the new mechanism. Therefore, we have added new provisions to the Bill to govern rigorously the detailed operation of the new rent adjustment mechanism. These include, amongst others, obliging the HA to compile the income index for PRH tenants in accordance with a set of parameters.

Let me now make a brief introduction of the key elements of the Bill:

- (a) To repeal the relevant MRIR provisions under sections 16(1A), (1B), (1C), (1D) and (1E) of the existing Housing Ordinance;
- (b) To add new provisions to provide for a two-year rent review cycle with the first review to take place two years after the commencement of the Amendment Ordinance;
- (c) To specify the respective 12 months to be covered by the two periods (that is, the first and second period) in each rent review;
- (d) To require the HA to vary PRH rent according to the rate of increase or decrease in the income index between the first and second period in a rent review;
- (e) To empower the HA to compile an income index which reflects the mean household income of PRH tenants, with the distribution of the household size of PRH tenants in the first period as the basis for calculation. This would ensure that the "pure income change" of PRH tenants in a rent review cycle is accurately assessed without being subject to the influence of household size distribution;
- (f) To empower the HA to entrust the compilation of the income index to a public body or tertiary institution;

- (g) To allow the HA to refrain from varying PRH rent if the amount of the variation required after a rent review is, in its opinion, insignificant; but to require the HA to take into account that income change in the next review;
- (h) To empower the HA to round down the amount of the rent variation to the nearest dollar; and
- (i) To exempt the application of the new rent adjustment mechanism to tenants paying additional rent or eligible for the HA's Rent Assistance Scheme.

The Bill provides a transparent and solid legal framework within which the HA can review and adjust PRH rent in accordance with the law. On the other hand, PRH tenants are fully protected by law against any rent adjustment that is incommensurate with the changes in their household income or their affordability.

Moreover, the HA has agreed that in implementing the rent adjustment mechanism which provides for both upward and downward adjustments, the existing PRH rent should be adjusted to a level that is considered appropriate and acceptable to the public so as to provide a fair and rational starting point for the new mechanism. As the rent of the majority of the existing PRH stock and newly-completed flats was last reviewed in 1997, the HA has agreed to adjust the existing PRH rent according to the extent of changes in the income index since 1997, which means an across-the-board rent reduction of 11.6%. The same rate of reduction will also be applied to newly-completed estates. The HA would effect the proposed rent reduction upon passage of the Bill on its Third Reading by the Legislative Council. As regards the request from certain quarters that short-term rent relief measures should be introduced prior to the completion of the legislative amendments which are necessary for implementation of the new mechanism, the HA has responded positively to these by granting all PRH tenants, with the exception of those paying additional rent, rent remission for the month of February 2007.

The development of a domestic rent policy that is affordable to both PRH tenants and the community as a whole is indispensable in our quest for a sustainable public housing programme so that it could continue to help those low-income families with housing needs. The mechanism suggested by the HA provides for both upward and downward rent adjustments according to changes

in PRH tenants' household income. Not only will it reflect more closely the affordability of PRH tenants and provide greater protection for them, but also allow the HA to adjust its domestic rent in good time based on the objective criteria enshrined in the statute, thereby minimizing unnecessary contention in society over the extent of rent adjustments. It is my firm believe that the new rent adjustment mechanism and the Government's proposed amendments to the Housing Ordinance have already fully taken into account and balanced the interests of the different quarters in the community. As a matter of fact, the proposed rent adjustment mechanism has been well-received by the general public since it was first proposed. According to an opinion survey we conducted in December 2006, 77% of the respondents supported the mechanism. As regards the proposed rent reduction of 11.6%, 80% of the respondents considered that the extent of reduction was reasonable or even on the high side. I sincerely hope that Members will support the passage of the Bill to facilitate early implementation of the new rent adjustment mechanism and a rent reduction of 11.6%.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Housing (Amendment) Bill 2007 be read the Second time.

In accordance with the Rules of Procedure, the debate is now adjourned and the Bill referred to the House Committee.

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We now resume the Second Reading debate on the Safety of United Nations and Associated Personnel Bill.

SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL BILL

Resumption of debate on Second Reading which was moved on 17 May 2006

PRESIDENT (in Cantonese): Ms Margaret NG, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

MS MARGARET NG: Madam President, in my capacity as the Chairman of the Bills Committee on Safety of United Nations and Associated Personnel Bill (the Bill), I report the main deliberations of the Bills Committee on the Bill.

The Bill seeks to implement the Convention on the Safety of United Nations and Associated Personnel (the Convention). Hong Kong's existing administrative measures and legislation already comply with the majority of the requirements of the Convention, except Articles 8, 9, 10 para 1, 13 para 1 and 15. The objective of the Bill is to implement Articles 9 and 10 para 1 of the Convention by:

- (a) establishing the jurisdiction of Hong Kong Courts in respect of the offences set out in Article 9 of the Convention that are committed outside Hong Kong by any Chinese national who is a Hong Kong permanent resident; and
- (b) creating a new offence of threat to commit the attack described in Article 9 of the Convention.

Under Article 10 para 1(b) of the Convention, each State Party is required to take measures to establish its jurisdiction over the crimes proscribed by the Convention when the alleged offender is "a national of that State". The Bills Committee has requested the Administration to explain the reasons for adopting the term "a specified person" in the Bill, and not the term stipulated in the Convention, that is, "a national of that State".

The Administration has explained that the Bill will give effect to the Convention's requirement to establish extra-territorial jurisdiction over Chinese nationals who are Hong Kong permanent residents. As Hong Kong does not have its own "nationals", the status of "permanent residency" is the most akin to the concept of "nationality" under Hong Kong's legal system. The Administration has therefore proposed to adopt the term "a specified person" in the Bill, which is defined to mean a person who is a Chinese national and a Hong Kong permanent resident.

Another issue which the Bills Committee has deliberated on is the proposed new offence of threat. The Convention requires each State Party to make the acts specified in Article 9 para 1 crimes under its national law and punishable by appropriate penalties. For the offence of "threat" under Article 9 para 1 (c), the Crimes Ordinance already stipulates that the maximum penalty for

such an offence is imprisonment for five years. However, the Administration proposes to prescribe a higher maximum penalty of 10 years' imprisonment for the offence of threat under Article 9 para 1(c), having regard to the requirement under the Convention that the offences proscribed should be punishable for appropriate penalties, the international obligation to ensure the safety and security of United Nations and associated personnel, and the penalty level in Australia, Canada and the United Kingdom.

Members have expressed concern about the appropriateness for imposing different penalties on the same act committed under the Crimes Ordinance and the Bill, depending on whether the victims are United Nations and associated personnel or not. The Administration has provided information to illustrate that the level of penalties imposed by Australia, Canada and the United Kingdom for the offence of threat against United Nations and associated personnel are generally higher than those for other threat offences. While Members have no objection to the proposal, they have suggested that the "intent" to commit crimes against United Nations and associated personnel, or the "knowledge" that the crime was targeted at a member of United Nations and associated personnel should be included as an element of the offence of threat, given the high penalty prescribed for the offence. The Administration accepts the suggestion and will introduce amendments to the Bill.

The Bills Committee has noted that for Chinese nationals and other nationals who merely ordinarily reside in Hong Kong but are not Hong Kong permanent residents, or who have no residency in Hong Kong, the Convention contemplates that only the States of which they are nationals will establish the required extra-territorial jurisdiction. Members have requested the Administration to consider the need to extend the Bill's coverage to stateless persons who are Hong Kong permanent residents. They point out that Article 10 para 2(a) of the Convention provides, as a non-mandatory requirement, that a State Party may establish its jurisdiction over any crime proscribed by the Convention when it is committed by a stateless person whose habitual residence is in that State. The Administration has agreed to introduce an amendment to the effect that a "specified person" under the Bill could also cover a stateless person who is a Hong Kong permanent resident.

Members noted that Articles 8, 13 para 1 and 15 of the Convention will be implemented by new legislative measures in the form of subsidiary legislation. The Bills Committee has scrutinized the draft versions of the two related Orders which will be referred back to the Chief Executive in Council to be made upon

passage of this Bill. The two Orders require approval of the Legislative Council under the negative vetting procedure.

Madam President, with these remarks, and subject to the amendments to be moved by the Administration at the Committee stage, the Bills Committee supports the resumption of the Second Reading debate on the Bill. Thank you.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no other Member wishes to speak, I now call upon the Secretary for Security to reply.

SECRETARY FOR SECURITY (in Cantonese): Madam President, first of all, I would like to thank Ms Margaret NG, Chairman of the Bills Committee and all other members for scrutinizing the Safety of United Nations and Associated Personnel Bill (the Bill). We have accepted all the main proposals of the Bills Committee for attaining the objective of the Convention on the Safety of United Nations and Associated Personnel (the Convention) more effectively, and providing for the elements of the new offence in a clearer and more stringent manner. I will propose amendments to the relevant provisions at the Committee stage later.

The Convention was adopted by the United Nations General Assembly in December 1994. It has entered into force for Hong Kong as from 22 October 2004. As I mentioned in May last year when moving the Second Reading of the Bill, the objective of the Convention is to ensure the safety and security of United Nations and associated personnel participating in peacekeeping operations in different parts of the world by requiring State Parties to take the necessary measures. These measures include punishing criminal attacks against these personnel by appropriate penalties, co-operating among State Parties in the prevention of such crimes and providing assistance to one another in connection with criminal proceedings.

Hong Kong's existing administrative measures and legislation can already comply with the majority of the requirements of the Convention. New

legislative measures are needed to establish certain acts proscribed by the Convention as criminal offences punishable by appropriate penalties under our domestic legislation, and to establish extra-territorial jurisdiction over the crimes proscribed by the Convention.

Article 9 of the Convention requires each State Party to establish various attacks against United Nations and associated personnel, including murder and kidnapping, or a threat or an attempt to commit any such attack, as criminal offences under its national law. Each State Party shall also make the offences punishable by appropriate penalties which shall take into account their grave nature.

Currently, the general criminal offences under the existing ordinances such as the Crimes Ordinance and the Offences against the Person Ordinance as well as common law can already deal with most of the above crimes. As for the offence of threat, it is already criminalized under the Crimes Ordinance. However, the maximum penalty for this existing offence is only imprisonment for five years. Taking into account the internationally recognized need to protect the safety and security of United Nations and associated personnel and the Convention's requirements, the Bill proposes to provide for a maximum penalty of imprisonment for 10 years for the offence of threat proscribed by the Convention. In this respect, the Bills Committee recommended including the "intention" and "knowledge" of the criminal act as elements of the offence. We have accepted the Bills Committee's suggestion and will move amendments to amend the provisions relevant to the offence.

Article 10 para 1(b) of the Convention requires each State Party to establish jurisdiction over the crimes proscribed by the Convention when the alleged offender is a national of that State. Under Hong Kong's legal system, the status of "permanent residency" is the most akin to the concept of "nationality". On this basis, Hong Kong may establish jurisdiction over persons of Chinese and other nationalities who are permanent residents of Hong Kong. Regarding Chinese nationals and other nationals who merely ordinarily reside in Hong Kong but are not Hong Kong permanent residents, or who have no residency in Hong Kong, however, Article 10 para 1(b) of the Convention contemplates that it should be the States of which they are nationals to establish the required extra-territorial jurisdiction. Therefore, the Bill proposes to establish extra-territorial jurisdiction over persons who are Chinese nationals and Hong Kong permanent residents. This is consistent with Hong Kong's obligation under the Convention.

The Bills Committee suggested that the Bill should establish extra-territorial jurisdiction over stateless persons who are Hong Kong permanent residents. Although this suggestion does not constitute a mandatory requirement under the Convention, it would facilitate Hong Kong in protecting United Nations and associated personnel more effectively, which in turn could better attain the objective of the Convention. We have accepted the Bills Committee's suggestion and will amend the relevant provisions.

The Convention also contains requirements on States Parties' duty to release and return captured or detained United Nations and associated personnel as well as extradition of fugitive offenders. To give effect to these requirements, we have drafted two Orders under the International Organizations (Privileges and Immunities) Ordinance and the Fugitive Offenders Ordinance respectively. The Bills Committee scrutinized these draft Orders. Upon the passage of the Bill, we will submit the draft Orders to the Chief Executive in Council for making them as subsidiary legislation. They will then be submitted to the Legislative Council for approval under the negative vetting procedure.

With these remarks, Madam President, I hope Members will support the Bill and the amendments I will move later. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Safety of United Nations and Associated Personnel Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Safety of United Nations and Associated Personnel Bill.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee.

SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Safety of United Nations and Associated Personnel Bill.

CLERK (in Cantonese): Clauses 1, 3, 4 and 6.

CHAIRMAN (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Clauses 2, 5 and 7.

SECRETARY FOR SECURITY (in Cantonese): Madam Chairman, I move the amendments to clauses 2, 5 and 7, as set out in the paper circularized to Members.

Clause 2: The definition of "specified person" in the Bill be amended

The amendment to clause 2 seeks to extend the extra-territorial jurisdiction under the Bill to stateless persons who are Hong Kong permanent residents.

As I mentioned earlier during the resumption of Second Reading debate, to implement the mandatory requirement as set out in Article 10 para 1(b) of the Convention on the Safety of United Nations and Associated Personnel (the Convention), the Bill proposes to establish extra-territorial jurisdiction over persons who are Chinese nationals and Hong Kong permanent residents in respect of the crimes proscribed by the Convention. The coverage of such jurisdiction is spelt out by the definition of "specified person" in clause 2 of the Bill. The Bills Committee suggested that extra-territorial jurisdiction be extended to cover stateless persons who are Hong Kong permanent residents, so that such persons who may not have been covered by the extra-territorial jurisdiction established by the State Parties of the Convention will be brought to justice in Hong Kong if they committed the crimes proscribed by the Convention outside Hong Kong. Indeed, Article 10 para 2(a) of the Convention provides that a State Party may establish its jurisdiction over a stateless person whose habitual residence is in that State and who committed the crime. This is a non-mandatory provision. The Bills Committee's suggestion is consistent with this non-mandatory provision and can facilitate the better attainment of the objective of the Convention in protecting the United Nations and associated personnel. Therefore, we have accepted the Bills Committee's suggestion and proposed to amend the definition of "specified person" in clause 2 of the Bill to include persons who are stateless and Hong Kong permanent residents.

Clauses 5 and 7: The clauses related to the threat offence be amended

The amendments to clauses 5 and 7 seek to include "intention" as an element of the threat offence.

As I mentioned earlier, the Bill proposes to provide for a maximum penalty of 10 years' imprisonment for the threat offence proscribed by the Convention. As this penalty level is higher than that for the existing general threat offence, the Bills Committee suggested that the "intention" of an offender to commit the crime against United Nations and associated personnel, or the "knowledge" that the crime was targeted at United Nations and associated personnel should be included as an element of the offence. We have accepted

this suggestion, and hence will amend clause 5 of the Bill to provide that in the context of the threat offence, an offender knowing or having reason to believe that the person to whom an act constituting a "relevant offence" will be done is a member of the United Nations or associated personnel, commits an offence. With clause 5 amended, clause 7 needs to be consequentially amended to provide for an exception for clause 5.

The Bills Committee discussed and supported the above amendments. I hope that Members will support and pass them.

Proposed amendments

Clause 2 (see Annex I)

Clause 5 (see Annex I)

Clause 7 (see Annex I)

CHAIRMAN (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendments passed.

CLERK (in Cantonese): Clauses 2, 5 and 7 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Long title.

SECRETARY FOR SECURITY (in Cantonese): Madam Chairman, I move that the long title be amended, as set out in the paper circularized to Members.

Consequent to the amendment to clause 2 passed earlier, the long title needs to be amended to specify that the Bill implements Article 10 para 2(a) of the Convention on the Safety of United Nations and Associated Personnel. I hope Members will support and pass the amendment.

Proposed amendment

Long title (see Annex I)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the amendment to the long title moved by the Secretary for Security be passed.

CHAIRMAN (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

CHAIRMAN (in Cantonese): Those against please raise their hands.

(No hands raised)

CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendment passed.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Third Reading.

SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL BILL

SECRETARY FOR SECURITY (in Cantonese): Madam President, the

Safety of United Nations and Associated Personnel Bill

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Safety of United Nations and Associated Personnel Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

CLERK (in Cantonese): Safety of United Nations and Associated Personnel Bill.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect.

First motion: Assisting in the transformation of factory buildings.

ASSISTING IN THE TRANSFORMATION OF FACTORY BUILDINGS

MRS SELINA CHOW (in Cantonese): President, over the years, the Hong Kong economy has been restructured from manufacturing-oriented towards domination by service industries. As a result, factories have been continuously relocated to the north, leaving behind many vacant units in factory buildings. In the course of time, small owners have rented these units to small business operators for unconventional industrial use, so to speak, thus giving rise to the problems today.

Last year, a group of owners of Yip Fat Industrial Building in Kwun Tong approached me for assistance. They were facing the problem of a high vacancy rate in the building and so, they had no other choice but to subdivide their units into a number of smaller units measuring some 300 sq ft to 400 sq ft and rent

them out to small retailers at \$5,000 to \$6,000 monthly. Many of the tenants were on-street hawkers who were only too happy to operate under a roof. But recently, they have received an ultimatum from the Lands Department, saying that this type of shops operating on the upper floors of a building are not covered by the original industrial use in the land lease and are therefore breaching the law, and that they must obtain the waiver for changing the use of land and building before the end of April, or else they would have to terminate their operation. This has plunged those small operators into great distress. In fact, some owners told me that they had tried to apply for this waiver but two years had lapsed and yet, nothing had been heard and no progress had been made. So, the authorities' reply was just a stock answer. There is certainly no way out, so why should they be making such a fuss? I have made arrangements for the persons concerned to hold meetings with the home affairs, planning, lands, and fire services departments, so as to try to identify a solution but no result has been achieved so far.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

This case has aroused my concern about vacant factory buildings. I found that the problems of Yip Fat Industrial Building are not unique, but a miniature of the general problem in the territory. It is indeed necessary for the Government to address it seriously. According to a survey conducted by The Hong Kong Polytechnic University last year, in Hong Kong, vacant factory buildings in private ownership measured as much as 15 million sq ft. While it does not sound like a huge area, the industry told us that the area would multiply if we also factor in those units that have been declared as warehouse but are actually left vacant. The stricken areas include Kwun Tong, San Po Kong, Kwai Chung and Tuen Mun.

Hong Kong is a place where land is scarce and expensive and yet, there is such a huge number of vacant units, and this is indeed a serious wastage of social resources. It would be impractical to demolish such a large number of factory buildings for redevelopment and besides, in many of these buildings the units have been subdivided for sale and their ownership is thus scattered among many small owners and so, it will be quite difficult to gather them together. Given the difficulties involved in their redevelopment, it is necessary to help them transform and explore new uses. If the Government does not thoroughly improve the existing policy, this situation where nine out of 10 units are vacant

would only persist, or become the stumbling block to the natural transformation of factory buildings which would in turn stifle the viability and creativity of the market.

In fact, there are several major problems now. Owners who wish to change the use of their units in factory buildings are required to apply for a waiver for changing the use of land and buildings and such applications will be processed and approved by the Lands Department (LandsD), Planning Department (PD), Buildings Department and Fire Services Department (FSD). However, different departments have their own considerations and particularly, there are also problems in respect of fire and building safety. Added to this is that the departments are not subordinate to each other. Even if an application is approved, it still takes a rather long time and the handling fees are also very expensive. But the problem is that a great majority of the applications will not be approved and so, basically the problem would still exist even if the application is approved.

Worse still, different departments have adopted different standards for processing and approving applications, thus causing confusion to the applicants. For example, although the PD has relaxed the restrictions on industrial use, the LandsD still follows the old rules and rigidly enforces the conditions of lease in all circumstances. In the event of inconsistency, a very high waiver fee will be charged. To change the use of the premise, an ordinary factory unit measuring a few hundred sq m may have to pay an annual regrant premium of some \$200,000 anytime and what is more, the payment must be made in lump sum. The Federation of Hong Kong Industries wrote to the Housing, Planning and Lands Bureau in 2003 requesting that owners be allowed to pay the waiver fee in instalments, since rates and government rent can be paid quarterly. But more than three years have lapsed since 2003. Nothing has been changed at all; nor do we envisage any changes to take place in future. It is stipulated that 30% of the floor area of a factory premise should be used for non-production processes but production, by its definition today, does not necessarily mean smoke-emitting production by machinery. As we all know, technological advances have enabled us to draw up plans with the use of computers and produce smokeless products but the LandsD has neglected this, as even telecommunications, jewellery design and finishing are not allowed in factory buildings. Members may have heard earlier that a company in San Po Kong was fined \$600,000 for this reason. What we are talking about here are mostly small and medium enterprises or even enterprises of tiny scale.

Although a great majority of factory buildings have now been turned into offices or warehouse which involves a lower level of fire risks, the Fire Services Ordinance has still maintained the standards set previously to target storage of dangerous materials or mechanical production. For example, the application for change of use will be allowed only for a certain area on each floor and so, when tenant A has submitted an application, tenant B's application will not be approved. Certainly, if the FSD said "No" for safety reasons, no one would dare challenge its decision, but I do not understand why the FSD cannot issue short-term certificates of waiver to the tenants in the light of their actual circumstances, in order not to cause delays to the application procedures?

The Department also stipulates that the transformation of a factory building requires the consent of at least 90% of the owners. We all know that it is entirely impossible for old factory buildings to meet this requirement given decades of multiple-ownership. In order not to waste our valuable social resources indefinitely, the Liberal Party urges the Government to take timely and appropriate actions and expeditiously review the obsolete regulations to tie in with the economic development of Hong Kong and make effective use of these resources.

I have the following proposals. First, to review afresh the definitions of "factory" and "industrial use". Under Chapter 59 of the Laws of Hong Kong, "factory" means any premises in which articles are manufactured, repaired, finished, and so on, and where 20 or more persons are employed in manual labour. The Ordinance was last amended in 1983 (which is over two decades ago) before the economic restructuring of Hong Kong and so, it is obviously out of sync with the reality. At present, while most local factory owners still maintain in Hong Kong their support processes, including administration, design, and research and development, many factories have in recent years relocated even these processes to the Mainland, in order to cut down on costs. It is indeed necessary for the Government to review afresh and amend the definition of factory in the existing Ordinance to allow the full operation of logistics or high value-added processes in factory buildings without requiring them to apply for change of use, thereby encouraging factory owners to maintain these processes in Hong Kong and hence preventing the loss of jobs. With regard to the term "industrial use", the Town Planning Board expanded its definition in 2003 to cover training, research, design and development, quality control and packaging which are related to the production processes. The PD also introduced the concept of Business Zone and relaxed the requirements

relating to the industrial use of land. As many new industries with high value-addedness have emerged in Hong Kong in recent years, such as multimedia production, software development, digital editing and biotechnology, I think further relaxation of industrial use may be necessary in order to cover similar creative industries and support the development of local high value-added industries.

There is one point which I believe Members would very much wish to see and that is, enhancing the co-ordination among relevant departments to provide one-stop services. As I said earlier, given the cumbersome formalities and respective needs of the departments, communication problems may arise, thus creating difficulties in their application for transformation. In this connection, I propose that the authorities should provide one-stop services, so as to streamline the procedures and shorten the time required, and also introduce unified processing and approving standards for compliance by all departments. Particularly, co-ordination between the PD and the LandsD should be enhanced as far as possible and the payment of regrant premium should be allowed to be made in instalments, so that the applicants can have greater financial flexibility.

Some friends in the business sector have asked me whether this motion is requesting the Government to provide funding or subsidies to owners. I must make it clear that I am not asking the Government to provide preferential treatment or subsidies to the owners concerned because it is most important to ensure a level playing field for all. I think even the owners are not asking the Government to do that. Rather, they are asking the Government to provide some viable channels for them and carry out work in a most efficient manner. Only this is the mindset and attitude expected of a Government who always chants the slogan of "friendly to business, and creating an environment conducive to business operation".

Moreover, in respect of planning, I also hope to see the development of more theme zones. As we all know, the Government has in recent years vigorously encouraged the public to start businesses or engage in creative industries. The vacant units in factory buildings in traditional industrial areas precisely provide comparatively less expensive spaces for business starters with a small capital to test the waters. This can also provide a way out for the vacant units, thus killing two birds with one stone. If we can follow the examples of the Golden Shopping Centre in Sham Shui Po and the computer centre in Mong Kok which are developed with a theme featuring a concentration of shops selling

similar products and hence making the place a theme zone, it will, to some extent, help attract the flow of people and revitalize old industrial areas.

Furthermore, fashion outlets in Hong Kong have become very popular places frequented by both locals and visitors, and we may as well regularize these outlets. Consideration can also be given to turning the factory buildings into clusters of creative industries and arts development. An example is the Hong Kong Jockey Club Creative Arts Centre in Shek Kip Mei, which is converted from a former factory building and scheduled for opening at the end of this year. Response to its leasing has been very enthusiastic with an oversubscription rate of nearly five times. This is proof that there are certain demands in the community.

Deputy President, I hope Members will understand that the proposals under discussion today are only expedient measures to address the serious mismatch in land and building resources. In the long term, the Government must do something, such as setting up a mechanism similar to the Urban Renewal Authority to assume a co-ordinating role and provide a fair and effective platform, in order to gather the small owners together and to assist them to transform or redevelop whole industrial buildings, thereby improving the environment of the community as a whole. I think this is an important task of the next term of the Government. When the new Chief Executive and the new ruling team come onto the stage, the Liberal Party will certainly propose this motion again to trigger the next round of public discussion. Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): Mrs Selina CHOW, please move your motion.

MRS SELINA CHOW (in Cantonese): I beg to move.

Mrs Selina CHOW moved the following motion: (Translation)

"That, as factories have been relocated to the north in large numbers and the economy of Hong Kong has totally shifted towards being dominated by service industries, which has resulted in a high vacancy rate of local factory buildings and has turned some traditional industrial districts into

"stricken areas", which is a tremendous waste of social resources, this Council urges the Government to adopt in a timely and appropriate manner more flexible policies to assist in the transformation of traditional factory buildings, so as to adapt to the present economic and commercial development situation, which include:

- (a) reviewing afresh and amending the definitions of "industrial use" and "factory" in the relevant legislation and policies;
- (b) on the premise of meeting building safety requirements, enhancing the co-ordination among relevant departments to provide one-stop services, so as to streamline and expedite the processing and approval of applications by factory building owners for changing the use of land or factory buildings; and
- (c) at town planning level, encouraging overall planning for vacated factory buildings in old industrial areas, such as developing theme areas for creative industries, electrical appliance cities and merchandizing cities,

so that trades other than the traditional industries can also make use of factory buildings for their development, with a view to revitalizing old industrial areas, reviving community economy and creating more employment opportunities."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mrs Selina CHOW be passed.

MR CHAN KAM-LAM (in Cantonese): Today, in this debate on assisting in the transformation of factory buildings, a core issue is how to upgrade the competitiveness of old factories and assist local industries to achieve further development, thereby creating job opportunities and hence solving the problem of polarization in employment.

In the face of the restructuring of the economy, changes of the times as well as changes in urban planning, most manufacturing and production processes have been relocated to the north and the vacancy rate of local factory buildings

has continued to rise year after year. According to a survey conducted earlier by The Hong Kong Polytechnic University, the current vacancy rate of factories is as high as 7.5%. Calculating at the market price per sq ft, it is estimated that the vacant factory buildings have wasted \$7.5 billion. To the owners, these vacant factory buildings are certainly a loss, but we consider that this is no doubt also a loss of land resources in Hong Kong, which poses an obstacle to the economic development of Hong Kong in the long term.

The northward relocation of factories has persisted for two decades. As we all know, most factory buildings, which were constructed in the '60s and '70s, now have a history of some 30 to 40 years, while some may even be over 50 years old. Under the present circumstances, their redevelopment is now opportune, and the Government already redeveloped several old industrial areas into industrial-cum-office areas a few years ago. Unfortunately, the Government has not implemented any policy or facilitation measure in the light of these changes. As a result, the old industrial areas have undergone only very slow changes and in some cases, the situation is indeed regrettable.

Take the old industrial areas in Kwun Tong as an example. We can see that at present, only those places in the proximity of the MTR station are more prosperous, while factories located in the more remote sectors remain almost entirely vacant long term. We hope that the Government can implement measures to encourage or assist factory owners to combine their titles, or consolidate ownership of the whole building, so that they can embark on redevelopment earlier. If we fail to assist in the transformation of old factory buildings, I think we would be lagging behind the new era.

However, when it comes to redevelopment of industries, we certainly do not know where to start. To the industries, land and infrastructure development are most important. Infrastructure facilities involves another aspect and it is necessary to discuss in the first place whether the Government's land policy aims to promote and enhance the industrial development of Hong Kong or it actually pays no attention to industrial development and seeks only to maintain the *status quo*? We consider that if there is a suitable land policy to provide support, our land resources can be effectively utilized in a more reasonable manner.

At present, insofar as the change of land use is concerned, the Government mainly relies on the self-adjustment of the market. Some owners with stronger

financial or financing resources may very quickly decide on how their buildings will be redeveloped. But we can see that in general, in old industrial areas, even though some owners may redevelop their buildings, the overall planning has remained unchanged.

We consider it regrettable that in the old industrial areas, for instance, factory buildings were constructed side by side under the previous planning. The streets in between are very narrow and the other designs of the building are incompatible with present-day urban planning. Yet, the Government has not proposed new requirements in the redevelopment of old industrial areas to enable the redeveloped industrial areas to more suitably adapt to the times in respect of the environment, job types and business start-up. So, we very much hope that the Government can do more in these aspects.

However, we wish to express our view on the application procedures for changing the use of factory building. We all understand that many departments are involved, which include the Housing Department, LandsD, FSD, and so on. But as we all know, it is very difficult to achieve overall co-ordination among the departments, for they operate individually according to their respective rules and procedures; nor is there a central policy direction. This is why it takes a very long time to process the applications of small owners and small factory owners and, what is more, the procedures are very cumbersome and involve many different departments. We consider that the Government must streamline the application procedures and formalities for this.

Moreover, we understand that the approval now obtained by many owners is in the form of the so-called "proof of tolerance", and they have to pay a colossal fee for such tolerance. We consider that this is not at all reasonable and improvements are required expeditiously. Many operators of small enterprises have reflected to us that the procedures for changing the use of building or expanding their business are very complicated. In this connection, we very much hope that through this motion debate and after our discussion is completed, the departments concerned can sit down to properly discuss how these problems should be sorted out, so that small owners or factory owners can make full use of their land and give full play to their land and factory resources reasonably.

Here, I support the motion of Mrs Selina CHOW. Thank you, Deputy President.

MR LEE WING-TAT (in Cantonese): Deputy President, let me begin by citing two overseas examples. One is the Tate Modern in London, an old factory revitalization scheme led by the government and major enterprises. The Tate Modern was formerly a disused large power plant with a square, symmetrical façade encompassing rich flavours of the industrialization age. As a result of the emergence of new energy in the '80s, the power plant was eliminated by the times. In 1994 the Tate Gallery renovated the disused power plant but maintained its original outlook, such as the chimney, cranes and steel poles, while new planning was made to the use of the internal space and adding a two-storey glass penthouse. The chemical reaction produced by a combination of the old and the new has filled the art gallery with modernity. It has now become a major arts centre in London.

To the people in London, the creation of the art gallery has also attracted tourists, followed by restaurants, bars, galleries and theatres, providing dynamics for redevelopment in the area. I was there in 2000 during Christmas, but I could not visit the whole place even though I spent one full day there and so, I could only wait until my next visit.

The other example is The Brewery, an arts village in Los Angeles, the United States, which is a community revitalization scheme initiated by the community. It was formerly a brewery and after its acquisition in 1980, it was originally planned to be developed into a warehouse for lease but its lease to a group of artists marked the advent of the development of the arts village. In the 300 units there are about 500 arts workers and creative minds including artists, sculptors, installation artists, musicians and also photographers, dance troupes and webpage designers. They create their works there and also live there, and the place is like a small community. The arts village also organizes an Open Day twice a year for free public visits, with a view to promoting their local arts to the people there.

Deputy President, utilizing disused industrial space flexibly can open up a new sphere for arts and cultural groups and also serves as the locomotive for community revitalization, taking the lead to revive old communities. Revitalization can consist of a great diversity of initiatives, such as providing suitable venues for other economic and social activities, developing creative industries, electrical appliance cities, merchandising cities, information technology (IT) logistics centre, thematic exhibition halls or museums, public entertainment centres, integrated community and recreational centres, and even

education institutions. This is not only in line with environmental protection principles, but also a channel for social resources to be put to good use, and what is more, it pays tribute and gives recognition to old buildings which bear testimony to history, so that in the course of urban development, there is still something for us to base on in reviewing the past and creating our future.

Hong Kong has progressed rather slowly in this regard but after all, we have still made a start. We have the Cattle Depot Artist Village and Fotanian Art Village before. Although small in scale, they bring similar vigour and dynamics. Early this year, the Fotanian Art Village again gathered over 100 local artists together and jointly organized the "Fotanian Open Studio" to promote local culture and arts. The Hong Kong Baptist University, the Hong Kong Arts Development Council and the Hong Kong Arts Centre also collaborated to renovate the Shek Kip Mei Factory Building as the permanent site for the Creative Arts Centre, with a view to assisting in the training of creative talents and promoting arts and culture. These are mainly initiated by the community but the Government has also provided assistance.

The Democratic Party considers that apart from approving projects similar to the renovation of Shek Kip Mei Factory Building, relaxing the obsolete restrictions and allowing industries other than traditional industries, such as arts groups, creative industries, IT logistics centre, industrial offices, research institutes, design and development centres, and so on, to operate in old factory buildings, the Government should also take on a more positive and proactive role in the revitalization of old factory buildings.

We consider that the Government should first formulate an urban development concept with vision. The main principles should be giving recognition to history and creating the future, while adopting a model encompassing the old and the new to revitalize old factory buildings. Urban development should emphasize not only developing the economy, increasing capital injection and boosting consumer spending. It is also necessary to develop a sense of historical mission and have regard to the wish of the people and allow participation of the residents.

We propose that the Government should proactively review afresh the use of all old factory buildings and conduct public consultation through, among other things, consultation sessions organized by the District Councils, in order to understand the wish of the general members of the community as well as residents in the districts as to how the existing and disused old factory buildings

can be utilized in a better way, so that the wish of the people can be incorporated into the planning concept.

I would like to mention in particular old factory buildings under the management of the Hong Kong Housing Authority (HA), as the HA is planning the gradual clearance of Tai Wo Hau, and the clearance works may be due to start today. I think Members may know that many residents do not agree with the clearance programme but as things have developed to the present state, the problem can be solved only through negotiation. These old factory buildings actually contain many memories of the past. I hope that the Government will not adopt clearance as the only means to tackle all the problems.

With regard to factory buildings under the HA which are still in use, we propose that the HA should review afresh the so-called "list of permitted industries in factory buildings". Apart from allowing clocks and jewellery, moulds making, books binding, and wooden and plastic products in factory buildings, is it necessary to provide support also to the manufacturing of some brand name products in Hong Kong or to manufacturing processes with high intellectual property input, in order to take forward the development of new industries and creating more employment opportunities?

As time changes, Hong Kong has drastically changed from an industry-oriented city into a cosmopolitan city with emphasis on financial services, IT, logistics and service industries. We feel that those old factory buildings that cannot meet the needs of society are being eliminated gradually. But if we can pool together the wisdom and efforts of the Government and the community in the design of urban development and redevelop old industrial buildings, we can demonstrate to the outside world the history of our hard work while coping with the new needs of society and improving the quality of our living through improvements to the public sphere. This will serve multiple purposes and is in the overall interest of the community. Thank you, Deputy President.

MR JAMES TIEN (in Cantonese): Deputy President, first of all, I wish to declare an interest, as my company is engaged in businesses involving property development which also includes factory buildings, industrial-cum-office premises, the payment of regrant premium, and so on.

Deputy President, looking back, in 1971 when I first returned to Hong Kong to help my father in his business, the very first task that I was given was

not to manage a garment factory, but to be a supervisor in an industrial building in Kwai Chung. At that time, industries were thriving and we had moved from Cheung Sha Wan to Kwai Chung. The Government had written very clearly in the lands documents what businesses were permitted in industrial buildings, and the regulation that we were subject to, such as the regulation of the Fire Services Ordinance, the ordinance governing cargo loading and unloading by container trucks, the ordinance governing parking spaces, and so on, was all written in specific terms. Industrial buildings often require more facilities than commercial buildings because insofar as commercial buildings are concerned, many of the problems that I have just mentioned simply do not exist.

Certainly, that was more than three decades ago and today, we can see that many factories have been relocated to the north, including the factory concerned in my declaration of interest earlier. My factory was built in 1971 and I finally decided in 1994 to pull it down and turn it into a commercial building after paying a regrant premium. After going through the relevant process, I realized that the Government still has many problems in this regard, problems which they think are difficult to address. In the process, the difficulties are not just confined to the change of industrial buildings into commercial buildings, as there are also difficulties in respect of residential buildings, including the change of residential buildings into hotels or the change of hotels into serviced apartments, and so on. Why, Deputy President? As the Secretary may know, property development is the most lucrative business in Hong Kong, and all that is involved in property development is, in fact, money. If they ask for an excessively high regrant premium, it would be beyond the affordability of the people; if they ask for too low a regrant premium, those people who have paid regrant premium would complain.

The problems concerning factories nowadays actually have little to do with property developers. If a property developer has acquired a whole industrial building — there are many such cases in Kwun Tong — it would redevelop the whole building, and all that he would need to do is to pay a regrant premium to the Government for changing the industrial building into a commercial building. What the Government will consider is the market price, and since there are so many industrial buildings, it would allow the property developer to do so. But the problem now is that there are many other small owners in a building, or owners who have bought several units in a multi-storey industrial building. The Government is of the view that owners cannot pay the regrant premium only for several units in a building and that such payment is accepted only for the whole building. While regrant premium payment is not accepted for several units, the

owners may still apply for a waiver and after making a payment, their units can be converted for non-industrial use or even for other uses. I think this is merely a stop-gap measure taken by the Government and a transitional arrangement only. In the long term, it is indeed necessary for the Government to think about how this problem should be resolved.

In fact, Mrs Selina CHOW was right in bringing up this problem on behalf of her industry or constituents, because resources have been wasted in the entire community. Many industrial buildings, whether in Kwai Chung or Kwun Tong, actually have the problem of multiple-ownership, and their units are all vacant. Nobody would be willing to rent it even at \$2 or \$3 per sq ft, let alone \$4 or \$5 per sq ft, and the rent received may not be enough to cover the management fees, rates, and so on. Under such circumstances, the owners are in great distress and so are the users. Many small operators cannot afford the rent of those so-called premium-paid commercial buildings (which costs about \$10-odd per sq ft) and they would look for places which are let out at \$3, \$4, \$6 or \$7 per sq ft, and the only possibility is renting units of old industrial buildings and only in these units can they continue with their business operation.

However, I agree with what Mr CHAN Kam-lam and Mr LEE Wing-tat have said and what the original motion has mentioned, that is, the biggest problem actually lies in the procedures of the Government, or the various procedures set out by various departments. No one knows why there would be so much delay in each application, and this is most unfair to the users, because with a delay of a year or two, or four to five years, the regrant premium would only become higher and higher. In the '90s the regrant premium might be tens of dollars per sq ft but in 2000, it increased to hundreds of dollars per sq ft and now, it may cost \$2,000 to \$3,000 per sq ft. To small owners who genuinely wish to change the use of their building, it is not the case that they do not wish to change the use, just that their application has to be co-ordinated by government mechanisms, and they have heard nothing about the result of their applications. The Government will not reject their applications, just that they will be processed at a snail's pace.

I think in terms of policy, the Government must generally decide how this issue should be handled. There are now many buildings in Wong Tai Sin, Kwun Tong, Kwai Chung and Tsuen Wan which look like an eyesore to the environment in the urban area. They are all dilapidated; some of the disused air conditioners are just hanging there without repairs for a long time. For the benefit of the community, since there are so many vacant buildings, can we

borrow the concept of the Urban Renewal Authority on a pilot basis and allow owners to pay a reasonable amount of regrant premium if 90% or a lower percentage of owners agree to the change of use? I think a reasonable regrant premium should not mean the market price at which land is sold during auctions. Rather, it should be calculated at a certain discount of the price of land sold in auctions. Yet, this arrangement for industrial buildings must not take effect hastily or else it would pose unfair competition to the investments made by all the other users who have paid the regrant premium.

But most importantly, I think what the Government must really review is its decision on how those vacant industrial buildings will be disposed of. I think even though the Government has in place a mechanism for this purpose, it is actually not very keen about it, for it only grants approval for a few years, or a waiver for a couple of years or even five years, and that is all. What do we wish to achieve ultimately? What we wish to see is the improvement of the appearance of the community as a whole and the drawing up of a comprehensive plan. It would be best if redevelopment can be carried out in the whole district but if this is not possible, we hope to see redevelopment of the whole building and if this is still impossible, we would have to think about what channels there are for individual owners of the units in those comparatively new buildings to carry out redevelopment. We are talking about redevelopment, not waiver. When a regrant premium is paid, it means that a regrant premium is paid, and it should not be the case that after a regrant premium is paid, a waiver will be granted for this concept to run for a few years.

Certainly, it involves many other policies of the Government; it also involves the question of whether many other developers will continuously develop industrial-cum-office buildings (there are only a small number of these buildings nowadays), or whether it is possible to partly convert them into the so-called commercial buildings. I absolutely agree that nowadays, it is quite unlikely for an exodus of those industries or garment factories of my generation which have been relocated to the north to return to Hong Kong. Conversely, there are many new industries (which were also mentioned by a number of Members earlier) in the vacant buildings. They belong to the service industries and have been operating with increasing commercial viability, and if we can provide support for their continuous development, employment opportunities will be created and this will be helpful to the policy on mitigating the disparity between the rich and the poor.

Thank you, Deputy President.

MR LI KWOK-YING (in Cantonese): Deputy President, as most of the manufacturing and production procedures in Hong Kong have been relocated to the Mainland, ever since the mid-1990s, industries in Hong Kong have focused on high value-added activities. And many enterprises have changed from OEM (Original Equipment Manufacturing) to ODM (Original Design Manufacturing), that is, to design products that meet the requirements of clients. The manufacturing and production procedures only account for less than 20% of the work procedures left in Hong Kong and the remaining 80% of the work procedures carried out in the territory have become supporting and high value-added activities for the industries, including such high value-added activities which do not belong to the production procedures as design, R&D, product development, logistics management and even brand building, wholesale and retail.

Such a state of affairs has led to a large number of factory buildings being left vacant. According to figures from the Rating and Valuation Department, as at end 2004, as many as 1 512 400 sq m of floor area in the private multi-storeyed factory buildings were left vacant. Seen from the geographical distribution of these vacant factory buildings, close to 50% of the vacant floor area is found in three districts, namely, Kwun Tong, Kwai Tsing and Tuen Mun.

In addition, under the existing policy, the LandsD permits 70% of the floor area of the factory buildings to be used as manufacturing and production workshops while the remaining 30% can be used for other industrial supporting activities such as office for accounting and administration. If the owner uses more than 30% of the floor area on other supporting activities, then a pro rata regrant premium shall be payable. Therefore, some of the owners of factory buildings have to turn the remaining 70% of the floor area into warehouses in order that the other 30% of the floor area can be fully used. However, in practice, the floor area concerned may be left vacant for long periods of time in any case.

Thus a considerable fraction of the available land resources in Hong Kong is not fully utilized. It is estimated that as much as \$7.5 billion worth of resources have been wasted in these vacant factory buildings if the floor area is calculated at market value per sq ft. It is of course a great loss for the owners of these factory buildings, and also a great financial loss for society. An example is that we will not be able to make use of these factory buildings at affordable rentals to develop some new high value-added industries or some cultural and creative industries.

The emergence of this problem has something to do with the land use restrictions on factory buildings. Although there is a gradual relaxation of the restrictions on the use of industrial land, all changes to land use shall be preceded by a modification and update of the land lease and an application for regrant premium. The amount of regrant premium payable would of course mean a tremendous sum and this may ward off potential investors. I think the Government should consider whether in this society of ours which is undergoing economic restructuring, there has been any fundamental change in our understanding of industries or industrial activities. Activities that used to be carried out in the past like machine production, metal works, garment manufacturing were undoubtedly industrial in nature, but would animation production, brand design, and so on, be regarded as novel industries or innovative industrial activities? These trades may not be able to afford the rentals of ordinary commercial buildings like the financial sector or other conventional commercial services, but can they be allowed to thrive in buildings originally intended to house factories? This is certainly food for thought for us.

The above may not be the best example to cite, but I hope the Government should keep abreast with the times and formulate some comprehensive and consistent new policies that are in line with the current developments and the changes in our economy. The Government should be open-minded about the emerging industries and they should be given a less restrictive start-up environment. All these would be beneficial to the overall economy of Hong Kong.

At present, any change in land use must gain the approval of many government departments. A lot of red tape and time are involved. Therefore, we hope that the Government can formulate some one-stop policy so that investors and producers may change the land use more easily, hence facilitating the development of industries. It remains, of course, that any further relaxation of the land use policy must have a high degree of transparency and it must be fair and sensible. This will prevent people from getting the impression that this is like pumping benefits to the owners of private buildings. With these remarks, Deputy President, I support the motion.

MR WONG KWOK-HING (in Cantonese): Deputy President, after the restructuring of the Hong Kong economy and the relocation of industries across the boundary, a large number of factory buildings has become vacant. Apart

from wasting the resources in society, this situation also lays the labour that cannot find work due to economic restructuring to waste. As the planner of the community, it is necessary for the Government to face this waste of land resources and this problem in manpower development squarely.

Mr LI Kwok-ying has cited a survey which points out that the floor area left vacant in factory buildings in Hong Kong is as many as 1.2 million sq m and the vacancy rate is 7.3%. The estimated loss in market rent is about \$7.5 billion. In fact, the actual situation of waste is even more serious than that reflected by these figures in the survey. This is because the LandsD allows factory owners to use 30% of the total area for administrative and supportive purposes, that is, as offices, and even if the remaining 70% of the floor area is in disuse, it is only necessary to declare it as warehouse to secure approval. Such instances of "legal lease" of units in factory buildings for use as offices are commonplace. Therefore, the vacancy rate of factory buildings in Hong Kong is in fact far higher than that found by the survey.

Several years ago, before I was elected a Legislative Council Member, I once handled a case involving the offer of learning programmes in factory buildings by some professionals in the electrical engineering field. Unfortunately, on inspection, the relevant departments considered this to be a breach of regulations. Although these professionals were enthusiastic and wanted to offer courses in factory buildings to train people for the electrical engineering field, it was a shame that they were not allowed to do so. Moreover, they were penalized and nothing could be done even though we made a number of representations. This is a typical example showing that the Government has not adopted a new way of thinking in response to the changes in circumstances when dealing with this issue of vacant factory buildings.

If the Government is serious about ameliorating the problem, the foremost and also the most fundamental measure is to amend the definitions of "industrial use" and "factory", so as to expand the scope in which the public can use these buildings. According to the existing Factories and Industrial Undertakings Ordinance (Cap. 59), the definition of "factory" is "any premises, in which articles are manufactured, altered, cleansed, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed". In 2003, the Town Planning Board expanded the meaning of "industrial use" to cover "for the storage, loading, unloading or handling of goods and cargo; or for the training, research, design and development, quality

control and packaging in relation to the above processes". However, this kind of amendment designed to change the present state of affairs still confines the use of factory buildings to the production mode of old-style factories.

Deputy President, such an outdated definition is no longer suited to the new economic situation in Hong Kong, therefore, this situation of vacancies is not just a waste of spaces in the city; it also involves an underlying mismatch of resources and even the problem of giving no room to manpower development. Nowadays, the industries that need to establish their bases in the urban area include design, scientific research and marketing, as well as newly-fledged industries such as telecommunications, creative industries, media production and logistics. These industries need inexpensive units in factory buildings. They do not require a lot of space and the capital investment needed is small. If these industries are allowed to move in, the young and talented or people doing business with small amounts of capital will be given excellent opportunities to set up their business. Moreover, as Hong Kong is a city in which rent is soaring, it is practically impossible for these businesses to gain a foothold in conventional business districts such as the Central District or Sheung Wan, so why do we not give them room for survival by allowing them to do business in vacant factory buildings?

Although it is possible for some of the factory buildings in some industrial areas such as Yau Tong and Kwun Tong to be converted into ministorages, studios for musical bands, art studios, and so on, it is very cumbersome and complicated for owners of factory buildings to apply to change the land use or the use of their factory buildings. The example I cited just now involved an application relating to Kwai Chung. This matter could not be resolved despite the intervention of many parties because the three departments in charge of supervising and planning the use of industrial buildings in Hong Kong (that is, the Planning Department, Buildings Department and LandsD) all have their own ambits and are independent of one another. As a result, even though entrepreneurs want to make use of vacant industrial buildings, they face various difficulties and, despite having approached many departments, all is in vain. It is excellent that the Secretary is present today. If the Secretary can take charge of co-ordination in dealing with this problem, the owners of factory buildings and their tenants will be benefited and "wage earners" will also have more job opportunities. Therefore, I very much hope that the Government can consider amending the definition of "factory" to relax the scope of "industrial use" as prescribed by the Town Planning Board, cut the red tape that exists among

departments, streamline the relationships between the three departments mentioned by me and simplify the processing of applications for change of land use by providing one-stop services to make it convenient for the people concerned to make applications, so as to solve the problems of vacant factory buildings and mismatch of manpower.

Of course, apart from relaxing the definitions of "industrial use" and "factory" to make factory buildings more accommodating, it is also necessary for the authorities to make adjustments to overall planning at the town planning level and develop factory buildings in old industrial areas into thematic factory buildings that house creative industries, electrical appliance cities and merchandizing cities. Not only will this change in the positioning of various districts make it possible to accommodate newly-fledged industries, it will also be possible for some uncommon industries, such as traditional handicrafts like made-to-order coffin boards, wooden puppets and figures as well as musical instruments to find room for development and survival. Therefore, I hope very much that the Secretary can give consideration to revitalizing old industrial areas, reviving community economies and creating more job opportunities. This is in any event better than leaving blocks and blocks of factory buildings vacant (*the buzzer sounded*).....

Thank you, Deputy President.

MR WONG TING-KWONG (in Cantonese): Deputy President, ever since the industries in Hong Kong began to relocate across the boundary in the 1980s, instances of factory buildings becoming vacant in Hong Kong have been increasing. Last year, there was an excess of 30 hectares of industrial land throughout Hong Kong, equivalent to the entire site for the West Kowloon Cultural District Development. However, it is expected that new factory buildings will still be completed on Tsing Yi this year. Is this not precisely a mismatch? I hope the Government will re-examine, firstly, the positioning of industrial development in Hong Kong in the future, so that a review of the planning for industrial land throughout Hong Kong can be conducted as soon as possible; and secondly, how to transform the redundant factory buildings successfully, so as to avoid wasting existing resources in society.

On the first point, that is, the planning afresh industrial land in Hong Kong, I believe doing so is a must. In recent years, many property developers

have taken the initiative to apply to change industrial land or land for other uses to hotel use. A rough estimate reveals that between 2001 and 2005, more than 40 sites were changed to hotel use. Is it the case that in Hong Kong, apart from finance and tourism, there is no room to accommodate other kinds of industrial development? I believe this is not the case. Hong Kong can still be a base for research, development and promotion, however, the Government should put in place a new promotional policy to make local factory owners think that there is still room for their development in Hong Kong.

Put simply, at present, only less than 30% of the floor area in a factory building can be used as offices or for other research and development purposes — many Members have already talked about this problem just now — and if this upper limit is exceeded, owners have to apply for a change of land use and pay regrant premium. This requirement has dealt a direct blow to the desire of Hong Kong factory owners to retain their production in Hong Kong. Therefore, the motion moved today seeks to relax the definitions of "industrial use" and "factory" to attract factory owners to remain in Hong Kong for continued development.

I often come into contact with factory owners. The greatest obstacle that they face is the cumbersome application procedure for modification of land use. As a result, they would rather simply leave their factories vacant and head north for development rather than carry out any manufacturing process in Hong Kong. To small and medium enterprises, this is an onerous burden. Therefore, we hope the Government can consider exploring measures to streamline the application procedure and to allow the payment of regrant premium in phases, or adopting a one-stop approach of issuing temporary permits, so that factory owners can utilize their existing factory units in Hong Kong legally by paying a reasonable monthly fee for their temporary permits, so as to avoid a waste of resources.

As regards the second point raised by me, that is, the question of how this kind of redundant factory buildings can be converted to other uses, I believe this is a subject very much worthy of examination. As I said just now, the overriding principle is to conduct micro studies in the course of planning afresh the industrial land in Hong Kong.

At present, more than 50% of the vacant factory buildings are concentrated in three districts, including Kwun Tong, Kwai Chung and Tsuen

Wan. In Kwun Tong, for example, with the completion of landmark shopping malls and the redevelopment of the Kwun Tong town centre centering on Yue Man Square, it can be expected that the transformation of Kwun Tong will come very soon.

As regards other areas, how can they be transformed? For example, is it possible to convert the lower floors of vacant factory buildings into retail shops, whereas the middle and upper floors of these buildings are converted into factory outlets of various themes, or to allow them to be used for the exhibition and sale of the merchandises of factory owners in Hong Kong, the Mainland and overseas? In this way, merchandisers from various parts of the world will be attracted to Hong Kong and this will be conducive to turning Hong Kong into a global exhibition, sale and trading centre, thus promoting the flow of people and goods. At the same time, as the value of factory buildings is enhanced, new points of economic growth can also be fostered in Hong Kong. It will be possible to achieve this only if the SAR Government removes all the restrictions and regulations. I believe this will involve the issue of how to enhance the existing co-ordination among various departments and even the provision of one-stop services, so as to assist in the transformation of factory buildings and really create a good business environment in Hong Kong.

Deputy President, the issue of how to make good use of factory buildings in Hong Kong is not new, however, it has so far remained unresolved. I hope that after the Legislative Council has debated this issue again today, the relevant government officials will discuss with the sector as soon as possible to examine how these precious resources can be put to good use.

I so submit. Thank you, Deputy President.

MR JEFFREY LAM (in Cantonese): Deputy President, in order to meet the needs of society, economic restructuring is inevitable. Since the factories in Hong Kong began to relocate across the boundary in the late 1970s, many industrial areas have undergone gradual changes in the past three decades. However, it is not possible for some old factory buildings to undergo any transformation, so they have so far remained vacant. If the Government stresses that the public have to enhance their value, I believe the Government should also enhance the value of factory buildings, so that they can gain a new lease of life and economic development can be stimulated.

In various parts of the world, there are examples of revitalizing old districts and old urban areas. We need not look far afield and many actual examples can be found even on the Mainland alone. The Xintiandi in Shanghai is a recreational, entertainment, culinary and commercial area of international standard restored from the historical old buildings of Shikumen style and it has attracted many international brands to set up shops there. Many provinces and municipalities have drawn on the successful experience of the Xintiandi in Shanghai, thus setting off a chain reaction and other Xintiandis have sprung up in places like Chengdu and Hangzhou.

Talking about Hangzhou, I also wish to talk about Yiwu, which is nearby. Yiwu has been transformed from a little-known agricultural town into the "Yiwu Commercial Town" known to everyone. I have been to Yiwu and tens of thousands of small shops have congregated there, selling diverse and multifarious items such as toys, trinkets, household goods, domestic electrical appliances and automobile parts. It is just like an ultra large exhibition centre. If one stays in each shop for 10-odd minutes, I believe he has to spend more than a month there. The locals are very proud of Yiwu and they claim that it is highly likely that the souvenirs found in Japan and Europe are purchased from Yiwu or ordered there.

Deputy President, these successful examples of enhanced value are by no means remote. Even in Hong Kong, in the past and at present, many streets have evolved naturally into streets with special characteristics, such as the streets selling gold fish and sports shoes in Hong Kong. While we preserve these streets with special characteristics, we should also consider making use of old factory buildings and developing them into a small Xintiandi or a miniature Yiwu. These industrial areas, such as Kwun Tong, Kwai Chung, Cheung Sha Wan and Wong Chuk Hang, have contributed greatly to the Hong Kong economy and they can again give play to boundless creativity within their confines. Sometimes, new wine in an old bottle can also be fragrant and mellow good wine.

Deputy President, to revitalize old industrial areas, the most important thing is the Government's willingness to give the green light and keep abreast of the times by amending legislation appropriately. It is also necessary for various departments to co-ordinate and handle with flexibility the applications made by owners of factory buildings for changes of land use or the use of factory buildings, for example, by streamlining and speeding up the vetting process in such areas as the payment of regrant premium, building structure and fire safety,

so that factory buildings can break free from the shackles of their existing use. The Government can then lease the land or the factory buildings by way of short-term tenancies or on certain conditions.

In respect of the uses, I believe the Government can explore developing some old factory buildings into thematic markets for some trades such as those dealing with furniture, electrical appliances, cosmetics and fashion or retail centres with special characteristics, so that trades of a creative nature or with special characteristics can have venues to give play to their strengths. For example, as the public is increasingly health-conscious about food, the establishment of a health food city can be considered. Since the public is also very concerned about environmental protection, a centre for environmentally-friendly products can be developed. Alternatively, some factory buildings can be converted into hotels or guesthouses to tie in with the development of the exhibition industry. In this way, old industrial areas can be revitalized and places that no one would go for shopping in the past will become more vibrant. Moreover, this can also enhance the reputation of Hong Kong as a shopping paradise and small and medium enterprises (SMEs) will also find great scope to set up and develop their businesses, thus creating more job opportunities.

I believe that, given the opportunity, SMEs will exert their utmost to revitalize old industrial areas. These factory buildings are definitely useful and if we inject vitality into them, they can become a new impetus for the economy.

Deputy President, I so submit.

MISS CHOY SO-YUK (in Cantonese): Deputy President, I support in principle transforming and reinventing old factory buildings to keep abreast of the times and make optimal use of land. However, there is one condition which the Government must consider carefully and make appropriate arrangements for and that is, the affected tenants of factory buildings must be taken care of properly, particularly those long-time tenants who have been operating in such buildings for several decades, as they have spent their prime laying the foundation for the prosperity of Hong Kong nowadays.

In fact, to deal with the affected long-time tenants in factory buildings properly is not just an obligation of the Administration, nor is it just an act to requite these tenants of factory buildings for the contributions they have made to

society over so many years. Rather, the long-time tenants of old factory buildings have their unique historical background which is very different from that of the tenants in other factory buildings, therefore, it is necessary to deal with them separately.

Let us put aside for now other more complicated issues such as the problem of tenancy and look at the very basic issue of the facilities in these buildings. It is really unimaginable if we look at what sort of factory buildings these tenants had to come to terms with several decades ago. The so-called "factories" were blank apart from a few pillars and even basic facilities were not available. The laying of electrical cables and the installation of water taps were all DIYs and the tenants had to take it upon themselves to do the work. Even the four walls had to be laid brick by brick by the tenants themselves. The most unreasonable thing is that although the tenants invested a large amount of money and made a great deal of effort to make these factory buildings attain the basic conditions in which operation was possible, their status was no different from that of any other tenant. In other words, back in those years, unless these factory buildings had to be demolished, if the tenants surrendered the units of their own accord, they would not receive any compensation and this is tantamount to asking the tenants to surrender the investment they had made when starting their business in exchange for nothing. Therefore, with the relocation of industries in Hong Kong across the boundary, even though the business of many tenants in these factory buildings had declined to close to nil, these tenants were still unwilling to let their investment go down the drain, so they were compelled to try to outlast the buildings and continue to pay rent for nothing, in the hope of seeing the day when the buildings would be demolished. As a result, a "lose-lose" situation arose for the Government and the tenants of these factory buildings.

In view of this, in 1998, I started to help the representatives of the tenants in these factory buildings by arranging a number of meetings with the representatives of the Housing Bureau and the Housing Department, including the then Deputy Director of Housing, Mr Marco WU Moon-hoi, to reflect the plight of these tenants of factory buildings and lobby for a change in policy, so that the tenants of these factory buildings who terminated their tenancy voluntarily would also be entitled to compensation upon redevelopment. Eventually, we succeeded in bringing about the implementation of the Early Surrender Scheme by the Housing Authority in November 2000. Tenants who voluntarily terminated their tenancy before mid-2004 would be given a special

ex gratia allowance equivalent to 75% of the full *ex gratia* allowance payable at that time upon clearance for redevelopment.

Deputy President, the above example illustrates clearly that due to the ossified policy of the authorities, this type of old factory buildings have been left vacant for many years and to become dilapidated. This will have an effect on environmental hygiene and is also a serious waste of the resources in society. Therefore, I urge the authorities to learn a lesson and even as they demolish some of the factory buildings which have fulfilled their historical mission, they should respond positively to those tenants who still wish to continue with their operation (it is difficult for them to find places with a similar floor area asking a similar rate of rent in the private market). Meanwhile, the authorities should also adopt an even more positive and flexible attitude when assisting other newer factory buildings in their transformation, so that they can adapt to the new operating conditions in Hong Kong.

One of the policies that call for flexibility is the relaxation of the uses of industrial land. Although there has been a relaxation in the policy on urban planning, this has not been done to the fullest extent possible because the authorities are still adopting the former approach of asking factory owners to pay exorbitant regrant premium. The effect is that many owners or users of factory buildings have been deterred and they are indirectly encouraged to flout the law and change the land use privately.

In order to make optimal use of the land, I urge the Government to amend the definition of "industrial use" and "factory" to enable new high value-added industries such as the telecommunications industry and information technology industry to operate on a full scale in factory buildings without having to apply for a change of use. As regards the arrangement for the payment of regrant premium, it can also be changed to the quarterly payment of rent for the land similar to that for the levy of rates, so as to avoid saddling factory owners with a heavy one-off expense.

Furthermore, I hope that the scope of industrial land use can be further expanded and industrial buildings can be utilized to assist in the development of high value-added industries using high technology in Hong Kong, so that on the one hand, the value of vacant factory buildings can be enhanced, and on the other, local newly-fledged industries can be attracted to remain in Hong Kong for development.

As long as there is the determination and willingness to take complementary actions, there is no need to worry about the future of factory buildings after transformation. For example, the lower floors of vacant factory buildings can be converted into retail shops or entire factory buildings can be converted into large-scale thematic markets for some industries — Mr Jeffrey LAM has suggested many possibilities — and visitors can be attracted to do their shopping at these places, so that the development of tourism can be promoted and the Hong Kong economy stimulated. The conversion of an entire building into two-star or three-star guesthouses or boarding houses can also be explored. In this way, the needs in the future development of tourism in future can be met, suitable accommodation can be provided to visitors and training bases can also be established for the tourism industry.

I so submit, Deputy President.

MR ANDREW LEUNG (in Cantonese): Deputy President, the industries in Hong Kong began to relocate across the boundary in the 1970s and 1980s and nowadays, most of the manufacturing processes in Hong Kong have been moved to the Mainland and there are some 60 000 to 70 000 factories financed by Hong Kong capital in the adjacent Pearl River Delta, which has become our production base. After the relocation of the manufacturing processes to the north, Hong Kong has become the base for support and backup services such as operations, marketing, product design, research and development, logistics, and so on. However, the definitions of "factory" and "industrial use" have not changed accordingly and they have remained in the era of machine operation and manual labour.

The Report of the Economic Summit on "China's 11th Five-Year Plan and the Development of Hong Kong" released recently also mentions relaxing the use of factory buildings to tie in with Hong Kong's future development. In view of this, I support the motion moved by Mrs Selina CHOW today.

At present, the vacancy rate of local factory buildings stands at 7.3% and about 12 million sq ft of floor area cannot find any tenant. Earlier on, The Polytechnic University of Hong Kong conducted a survey and it is estimated that the waste in terms of property value, rental income and social resources runs into \$7.5 billion.

To assist factory buildings in their transformation is nothing new. As early as 2003, in view of the rising vacancy rate of factory buildings, the Federation of Hong Kong Industries organized a thematic seminar on the use and transformation of industrial buildings in conjunction with three other major chambers of commerce and collected views from the people attending the seminar. At that time, 68% of the people already pointed out that it was difficult to convert factory buildings to other uses mainly because of the many restrictions imposed by the Government and the exorbitant regrant premium, whereas the dilatory planning for local communities also deterred the business sector from making applications to change the use of vacant factory buildings. Subsequently, we wrote to the Secretary for Housing, Planning and Lands, Mr Michael SUEN, to present several major requests, including the hope that the Government could streamline the application procedure for the redevelopment of factory buildings, allow owners to pay regrant premium in instalments and improve the overall infrastructure and complementary facilities in industrial areas. Unfortunately, after more than three years, the pace of the transformation of factory buildings is still very slow and many people who want to convert factory buildings to other uses still find the going very hard because they do not have any policy support from the Government.

To apply for a change in the use of factory buildings, it is necessary to first make an application to the Town Planning Board, another to the Buildings Department to alter the building structure, another to the Fire Services Department to request an inspection of fire service equipment and fire escapes, and yet another to the Lands Department to discuss regrant premium payable. I believe that if the authorities can introduce one-stop services, enhance the co-ordination and communication among departments, streamline the approval process and introduce more flexible options for regrant premium payment, it will be possible to assist in the transformation of factory buildings.

As I have said earlier on, vacant units in factory buildings are a waste of land and resources in society because many such units are located in old areas with convenient transport, for example, Cheung Sha Wan, Lai Chi Kok, Kwai Chung, Kwun Tong and Tai Kok Tsui. If the use of these units can be changed, the demand for them will actually be very great. Take the Jockey Club Creative Arts Centre, which was converted from a factory building in Shek Kip Mei, as an example, when the centre was available for leasing, it was oversubscribed by nearly five times. The Metro Loft in Kwai Fong is also popular with young people working in the creative industries, trading and fashion design. All these examples show that there is a demand for this in society.

In order to make effective use of such resources, the public have already put forward a lot of views, such as using them as thematic markets for some industries and centres for the development of industries with special characteristics, such as factory outlets, fashion wholesale centres and furniture stores, which are very popular in Europe and the United States, and it is even possible to capitalize on the characteristics of factory buildings, such as low rentals, high ceilings, absence of fixtures and having just four walls and develop and convert them into studios for creative industries, book cities and even Hi-Fi cities. Five years ago, a group of students from the Department of Fine Arts of The Chinese University of Hong Kong initiated a quiet revolution in the Fo Tan industrial area by establishing an arts studio there. Today, this Fotanian Art Village has attracted over 100 artists and there are more than 30 personal or joint studios and a unique art community has taken shape.

Some people are concerned that allowing the transformation of factory buildings is tantamount to allowing factory buildings to be converted into commercial buildings, thus competing with commercial buildings for leasing business. I believe such a situation will not arise and the reason is very simple. Firstly, at present, many of the factory buildings with high vacancy rates are located in old areas and they are no match for prime commercial buildings in terms of location. Secondly, the designs of factory buildings are very different from those of commercial buildings, so they are not suitable for ordinary commercial purposes. In addition, not only can allowing vacant units in factory buildings to change their use put the resources in society to good use, more people will also be drawn there on account of the industries with special characteristics or themes, and the development of various economic activities in these areas can be stimulated to revitalize these old areas.

Deputy President, in order to enable the sustained development of the Hong Kong economy, it is necessary for the SAR Government to take complementary actions in terms of policy. I hope the Secretary can give a speedy response after listening to our comments today. With these remarks, I support the motion.

MISS TAM HEUNG-MAN (in Cantonese): The '60s to '80s in the last century was the heyday of Hong Kong industries. In those years, all industrial areas were swarming with people and the roads in them were also congested. However, after various industries had relocated across the boundary in the 1990s, the prosperous scenes in these industrial areas receded and some old

industrial areas are now barely surviving. To assist in the transformation of factory buildings is precisely the way to revive these areas.

From the angle of cost-effectiveness, to assist in the transformation of factory buildings is at least a win-win-win situation for three parties. The first party is the owners of factory buildings, the second is the operators of new industries and the third is the Government. Is this proposal in which all parties can get what they want not the best strategy?

First, many owners of factory buildings have headaches about their vacant units and finding tenants for the vacant units. According to the reports in the press, the vacancy rate of factory buildings was as high as 7% last year. Many property developers who bought industrial land some time ago would rather leave their lots idle than build new industrial buildings.

The reason for this situation is very simple. Although one cannot say that the industries in Hong Kong are dying, they are surely not booming in the way they did during their heyday. If more new factory buildings are built nowadays, who will lease them? Therefore, it is only by enabling factory buildings to undergo transformation that new tenants will be attracted. It is only in this way that investors will again have the desire to invest and a waste of industrial land resources in Hong Kong can be avoided.

Another group that stands to benefit from the transformation of factory buildings is people who aspire to a career in the new industries, particularly people in creative industries, the cultural and artistic field, social enterprises, and so on. This is because under the current wave of rent hikes, it is virtually impossible for the operators of these new industries to bear the soaring rents. In these circumstances, even though the Government always pays lip-service to helping these new industries, all will be in vain.

At present, there are stringent requirements on industrial operations in the Factories and Industrial Undertakings Ordinance. Basically, anything that does not involve the production and processing of tangible products cannot be considered industrial operation. In view of this, trades such as design, culture and arts and information processing basically cannot be considered industrial undertakings. As a result, the operators of these trades cannot benefit in any way from the comparatively low rents of factory buildings *vis-a-vis* other types of properties, so they are subjected to enormous rental pressure and may not even be able to operate as a result.

If the Government can amend the legislation to broaden the definition of "industry" to cover some new industries, this kind of operators will be able to benefit from the lower rents. Those operators already operating in factory buildings now will not have to worry about running any legal risk due to the illegal occupation of units in factory buildings.

The third winner in the transformation of factory buildings is of course our Government and society. We have suggested more than once that it is necessary to look for other new points of growth for the Hong Kong economy apart from the four major pillars — to enable factory buildings to undergo transformation is a measure that can assist the development of new industries effectively. New industries with potential can become new points of economic growth, create more diversified job opportunities and promote the sustained development of Hong Kong.

Meanwhile, an increase in the number of tenants for factory buildings can also drive the investment market for factory buildings and promote the flow of capital. With an increased flow of capital, investment in various areas will also be promoted and ultimately, it will enable the development of the financing and business service industries in Hong Kong.

Given that the transformation of factory buildings is beneficial to various parties, the Government should really give this matter consideration as soon as possible and start by amending the Factories and Industrial Undertakings Ordinance and reviewing the present policy on industrial land and premises. As regards the factory buildings owned by the Government, studies should be carried out on whether they should be redeveloped or whether the restriction on their use should be relaxed.

As regards the request in the motion calling on the Government to put factory buildings to special uses such as arts precincts or other designated uses, I believe consideration can be given to all this. However, an even better approach is for the Government to reduce direct intervention and focus on ways to relax the restriction on the use of factory buildings, such that more room for development of new industries will be created.

I understand that the spirit of this proposal in the motion is to achieve a clustering effect, however, I believe that given the flexibility of Hong Kong people, which has all along been their strength, as long as the conditions are

suitable and if enough time is given, it will be possible to achieve the clustering effect even without government intervention. Those commercial districts with local characteristics which we discussed here last week are very good examples.

Deputy President, even though the Government has implemented measures to attract businesses which have relocated across the boundary back to Hong Kong and keeps promoting the policy that encourages industries to return to Hong Kong, since it is not possible for the industries in Hong Kong to return to their heyday, the transformation of factory buildings should be the way forward. The Government should listen carefully to Members' views and those in society and respond positively. I so submit. Thank you, Deputy President.

MR ABRAHAM SHEK: Deputy President, I fully support the Honourable Selina CHOW's motion. Indeed, encouraging the transformation of factory buildings is definitely one way to better utilize our resources, further boost economic growth and reduce unemployment in the construction sector. It would allow individuals to set up new ventures, and help small and medium enterprises operate and grow, thereby creating more employment opportunities. But I must stress that if there are changes to be made, the Administration must adopt a just and objective approach in planning the future of these vacant factories. It is easier said than done. Otherwise, our local business environment will be jeopardized and our overall economy will be damaged. This will affect our government revenue.

A consultancy study conducted by The Hong Kong Polytechnic University (HKPU) on "Value-added Strategy for Vacant Factory Buildings" recommended that vacant buildings should be transformed into two- or three-star hostels in order to support tourism development. In lieu of land premiums, it suggested that Government rent would be charged at less than 3% of the rateable value of the site. The comprehensiveness of this recommendation is highly questionable with a lack of understanding of public policy. How could we use public fund to subsidize factory owners and property owners? Would this be fair to the hostels and hotels currently operating under existing ordinances?

One of the basic principles of our successful land policy is that premiums must be paid for any change in land use. So far, no exemptions have been granted to any commercial property development. Possibly, the Cyberport is an exception. Transforming factory buildings into hostels or other usages may

seem to be a good way to put these vacant buildings into use. However, this suggestion of the HKPU violates the existing land policy, and is adopting a double standard for lands under "industrial use". It is illogical and unreasonable to use taxpayers' money to subsidize these projects, for we cannot allow the sacrifices of the many for the sake and benefit of the few.

In Selina's motion today and in her speech, she and the Liberal Party, being fervent followers of the free market philosophy, are also against any form of subsidy to be given to any lease modification. On this ground, I fully support the motion.

As we all know, land is one of Hong Kong's most valuable resources. With the continuous development of our urban areas, the redevelopment of old factory buildings could provide us with "new" land for future planning and development. In fact, quite a number of factory buildings in Tsuen Wan, Kwun Tong and Tuen Mun have been converted into residential buildings, shopping malls and public facilities. Indeed, we are now facing the problem of having a high industrial vacancy rate. Something must be done. However, for our long-term development and sustainability, we must decide if we should provide incentives to preserve these factory buildings permanently, or if we should formulate a phased policy to demolish or redevelop these buildings. I sincerely hope that the Administration will listen to the different parties and avoid broad, sweeping changes.

In point (b) of Selina's motion, it is mentioned that in order to meet building safety requirements, and so on, the Administration should enhance co-ordination between relevant departments to provide one-stop services so as to streamline and expedite the processing and approval of applications for changing land use. I totally support this proposal for it hits the nail right on the head. Government bureaucracy is prevalent in the Planning, Lands and Buildings departments, holding back billions of dollars of investment opportunities, and employment opportunities are thereby missed. The current procedures for applying for a change of land use are long, complicated and inflexible. Many applicants are confused by the repetitive procedures and the unco-operative nature of the relevant departments. Therefore, these applicants may be delayed and may lose out on business opportunities, and may have to bear increased costs. Although the Administration has launched different measures, there is much much room for improvement in streamlining procedures and enhancing inter-departmental co-operation. Government bureaucracy in these departments

must be eliminated for like cancers, it will grow and multiply. It will not only stall economic growth but will also damage the economy.

For better utilization of our public resources, the Administration must conduct an overall study on our market environment and the relevant ordinances. Only then can the Administration create a win-win scenario which will stimulate economic development and decrease unemployment.

Thank you.

MR LAU WONG-FAT (in Cantonese): Deputy President, the establishment of industrial areas in 15 of the 18 districts throughout the territory was originally intended to provide job opportunities for residents living in the vicinity and, certainly, for the promotion of economic development as well. In particular, during the development of new towns, the establishment of industrial areas may offer incentives for people to move to new towns.

With the territory's economic transformation, industrial production has ceased to be the predominant industrial structure in Hong Kong. The northward relocation of the majority portion of secondary production has left a number of factory buildings vacant. In addition to the failure to provide job opportunities for nearby residents, the productivity and opportunity costs thus wasted have also caused losses to both the Government and the public.

To cope with changes, a number of factory buildings have been changed to other commercial uses, such as exhibition and sale venues, music rehearsal rooms, offices, warehouses, and so on. Some units have even been illegally converted into residential premises or caged bedspace apartments. Notwithstanding this, many units are still left vacant.

In my opinion, the Government should proactively explore and regulate the uses of vacant factory buildings in various districts to achieve its original objective of promoting economic development and facilitating the employment of residents.

Actually, different districts in the territory have different edges and special features. The space made available by existing vacant factory buildings can already provide enormous resources for promoting local or community economic

development. If developed and utilized in a way which is commensurate with the characteristics of the population, geographical features and community environment of various districts, I believe these factory buildings can definitely bring a new look to the districts.

In order to transform wastage of the resources mentioned above into opportunities for promoting local economy and creating jobs, the Government should remove barriers and lift restrictions, streamline the application procedures for changing the use of factory buildings, and lower the relevant charges to a reasonable level affordable to operators. More importantly, it should consult District Councils, which are well-versed in the conditions of their respective districts, to examine if the use of the vacant factory buildings in their districts can be changed to maximize the benefits that can be brought to the districts.

For instance, consideration can be given to using the vacant factory buildings in Yuen Long for the development of green industries to absorb the large number of less-educated and low-skilled workers available in Tin Shui Wai. Consideration may also be given to developing the vacant factory buildings into a logistics and freight centre leveraging on the river trade terminal in Tuen Mun.

Deputy President, I believe, through the Government's policy support and the views summed up by various District Councils by taking advantage of their edges in districts, the vacant factory buildings scattered in various districts will all stand a chance of transforming themselves into an employment centre and a hot spot for wealth creation.

(THE PRESIDENT resumed the Chair)

With these remarks, President, I support the motion.

MR CHIM PUI-CHUNG (in Cantonese): Madam President, the liberation of China by the Communist Party of China in 1949 brought millions of people to Hong Kong and this provided cheap labour for the industries in Hong Kong during the 1950s. Then starting from the end of the 1950s, owing to the

pooling of talents from China in the territory as well as the interplay of various factors, in 20 years' time Hong Kong was moulded into a city with its foundation laid in the industries.

Onward marched our society. And with advances in various fields Hong Kong has now transformed into a world-class financial hub. We need to remember our past while we also need to fight for our future. It is true that the cows used to plough the fields for farmers and enabled them to earn a living from the land. But as times have changed, and as other people have switched to machines and tractors, should we still stick to using the cows to do such things for us because of the contribution cows made in the past? This is simply out of touch with the times. A modern man may indulge in fond memories of the past, but he must never stick to the same conditions in the hope of carving out a living for himself.

Rapid changes are taking place in Hong Kong. These are due to the people's attitude, knowledge and wisdom, plus the adaptability of the Government. Sad to say, during the last eight to 10 years of the colonial rule, we all waited for the transition to come and take its course and we all believed that a better future would dawn someday. So during this decade of transition, we did not know what we had in our mind. Directors of Bureaux and Secretaries of Departments all tended their own business and lived from day to day. For them, politics was an intricate maze of unknowns and things that could be avoided should best be avoided.

We can all see that the industrial buildings are now so old and worn out. Why? In the 1960s, the industrial buildings faced a number of great difficulties. At that time water was rationed and some of these industrial buildings were built with concrete mixed with fresh water together with sea water. Hence the quality is inferior. Then there was rampant corruption in society and many people were taking bribes and so resulted in a lot of substandard construction works.

Years on after the transition, the Government should really think hard about it now. A city like ours which is called China's "window on the world" and with the Motherland at our back and a city with such fine living conditions, but why do people here still shirk their responsibilities? Regarding policies which have been formulated and I mean mostly government policies, if the Secretary does not take them forward, then let other people do it. There is no

need to fear. What should be done now is to formulate a bold policy to change the uses of these dilapidated industrial buildings. Some people may think that transport in these areas is a big problem, but we would be happy to see a rejuvenation there. We may even want to pay the regrant premium and convert these buildings into homes or hotels, and so on. When considering the question of whether the transport facilities in the districts concerned would be able to accommodate these changes, we should think that these facilities might really be inadequate before the advent of the MTR, but since the MTR now has taken care of a large chunk of the transport needs and solved the transport problem, why should the Government not study the idea and why should this shirking of responsibilities still continue? This is some bureaucratic practice which is not in the least responsible.

The Government — especially when the election of the third term of the Chief Executive is about to take place and despite the fact that the result of this contest is known before it even starts — should attach great importance to any pledge made to all the people of Hong Kong. Once a pledge is made on the objective and the policy, it must be taken forward and put into practice. We understand that the debate today may lead to changes in the use of the buildings originally intended to house factories, but personally I would think that the Government must in any case draw up a clear policy. Why can regrant premium not be possible? However, formalities should be completed faster and there must not be too much red tape. There must not be a protracted wait of some five to seven years after an application has been filed. There must not be anything like Container Terminal 10 for which talks have been held for decades and the subject has been raised for so many years since I become a Council Member.

We all know that Hong Kong lacks in resources. Our common merit is that work must be done fast and there must never be all these delays and procrastinations. We can see how things are done in other places and the Directors of Bureaux or the Secretaries of Departments of the SAR should travel more often to the Mainland to see the advanced state of development there. They must not stick to political issues and wrangle with them and pretend that the Mainland is a non-entity only to be ignored.

We also see that despite the bureaucratic practices on the Mainland, things are done real fast once a policy is drawn up. So the SAR Government, especially those at the very top — the Directors of Bureaux, the Secretaries of

Departments and the future Chief Executive, should all be mindful of the developments in China and take actions to complement such developments.

The industrial buildings in Hong Kong have once made a great contribution to Hong Kong. And as I have just said, the cows of the former times helped the farmers get their harvest, but as times have changed, we should also change. After all, land is very precious in Hong Kong.

The SAR Government and the Financial Secretary may think that revenue from land sales should not be counted as regular public revenue, but for more than a decade, land was in fact an indispensable part of the budget and government income. As such, why can we not make good use of our land for the greater good of society?

We should know that Hong Kong must foster good living conditions so that well-off Chinese from all over the world may come here and adopt Hong Kong as their home away from home. In such a case, it would be of vital importance to change and revamp industrial buildings to meet the needs of development. I hope the Government can hear this view and take speedy action to do what it should do.

MS MIRIAM LAU (in Cantonese): Madam President, with the relocation of a large number of factories northward, the vacancy rate of factory buildings in Hong Kong is very high. On the other hand, the land for logistics support is scarce. The logistics trade has great difficulties finding suitable locations for its operations to provide ordinary to high value-added logistics services.

Land resources are scanty in Hong Kong and it is not easy to find a large piece of flat land. Therefore, we hope that the logistics park on Lantau can be built soon and so provide an operation environment of a greater scale for the trade. However, even with the completion of the logistics park on Lantau, it would not be able to meet all the needs of the trade. To address the problem of insufficient backup land, the logistics trade in Hong Kong must look upwards and make good use of the multi-storey factory buildings.

The Town Planning Board (TPB) has during the past few years gradually relaxed the scope of the permitted uses of factory buildings. Now factory buildings may be used for storage, loading, unloading or handling of goods and

cargoes, or even for quality control and packaging in relation to the above processes. Thus the needs of the logistics services in general can be satisfied. However, the height of each floor in some of the older factory buildings may be low and these buildings may not be accessible to container trucks. If these buildings are to be converted for logistics uses, their structure may often have to be modified.

When an application is made to change the use of a building, a large number of papers have to be submitted to various departments. An application should be made to the TPB to change the land use. An application should be made to the Buildings Department to modify the building structure. Then a request is to be made to the Fire Services Department to inspect the sprinkler installations and the fire escapes to see if they meet the requirements. Then the issue of regrant premium should be raised with the Lands Department for discussion. In such a process, the same information may have to be submitted a number of times after which there will be time spent on waiting for the departments concerned to verify the information or come to the site for inspection. Thus the process is lengthy and cumbersome. We therefore think that the way to really facilitate owners in transforming their factory buildings and so reduce the vacancy rate is to step up co-ordination among the departments and provide a one-stop service as previously suggested by many Honourable Members. In addition, the vetting and approval procedures should be streamlined.

On the other hand, despite the relaxation made by the TPB to the uses of factory buildings, the relevant laws have failed to complement. Under the Factories and Industrial Undertakings Ordinance, a factory is defined in a very narrow sense and it is indeed out of tune with the reality to talk about factories being places in which articles are manufactured, repaired, finished, packaged, and so on, for these processes have relocated northwards. On the other hand, the advance and post-production work related to some industries such as marketing, information and financial management, purchasing and wholesale, and so on, can be done locally in Hong Kong. Therefore, we should expand the definition of factory to allow these high value-added activities to make good use of the vacant factory buildings to carry on their business.

With respect to the logistics industry, apart from the logistics business in general, the trade has taken active steps to develop third-party logistics business and even fourth-party logistics business. As these kinds of business may not be housed under the roof of conventional office buildings, so if the factory buildings

can take in these logistics activities, it would not just help the trade develop such business but also help reduce the vacancy rate of factory buildings.

In the long run, if it is discovered that a high vacancy rate or serious ageing appear in the factory buildings of a certain district, the Government should take prompt action to determine the direction of development of that particular district. For example, if the population of that district is quite young, then thoughts can be given to developing the creative industries or electrical appliance cities. If some trades have already appeared in large numbers in the neighbourhood of a district, such as garment wholesale in Cheung Sha Wan, the electronic parts market in Ap Liu Street and the computer business in the Golden Computer Center, and so on, then merchandizing cities can be developed in the neighbourhood. Or if the district concerned is near the container terminals, such as Kwai Chung, then the factory buildings there can naturally be turned into logistics cities.

All in all, a good use of the vacant factory buildings will not only prevent a waste of social resources but also provide room for development of other trades. At the same time, if overall planning is conducted for the vacant factory buildings in the old industrial areas, it can even serve to revitalize the old areas and make economic activities there vibrant, hence creating jobs for the residents living in the vicinity.

Madam President, I so submit.

PROF PATRICK LAU (in Cantonese): President, in principle I support the idea of assisting in the transformation of factory buildings. But as for the details, I think the Government should devise as soon as possible a specific industrial policy in the light of the supply and demand situation. Because it is imperative that the Government must map out a clear direction for the future development of the industries before any matching actions can be taken in planning, co-ordination among the departments and legislative amendment.

The motion proposes that at the town planning level, overall planning should be encouraged for developing the old industrial areas into theme areas. This is a very good idea indeed and the TPB has also done a lot of work on it. In many old industrial areas such as Kwun Tong, Cheung Sha Wan, Kowloon Bay, and so on, they have been changed into other commercial uses. But why

is it so difficult to carry this out? We all know that the architectural structure, fire safety, security system and even the overall environment of the old factory buildings are different from the standards adopted by the modern buildings. It follows that some problems will have to be solved before the old factory buildings can be transformed into other uses. When applications are submitted to the TPB, the reason put up by the Government is often that there are still industries operating in the factory buildings and so approval cannot be given to include the uses proposed. There are also environmental protection reasons and other reasons related to the environment and noise. All these have prevented approval from being given to such applications. This issue must be addressed.

Money will be involved to modify these old factory buildings to meet the current safety standards. On top of this, the greatest problem in changing the use of these factory buildings is, as Mr Abraham SHEK has just said, the amount of regrant premium to be paid. And this is no small amount. In this respect, I think the Government must think over questions like what policies should be launched to assist what trades. So if there are no clear-cut industrial policy and incentives, it would be hard to induce the owners of these factory buildings to convert these buildings.

President, in the absence of a clear-cut industrial policy and definition, the problem of regrant premium becomes very confused. On the question of which trades are considered as industries and which uses can be considered industrial uses, let me cite an example. I am an architect and in the architectural field to which I belong, if an architect wants to open an architectural firm or an office in a factory building, then a regrant premium must be paid. But if the premises are only used to make building models, then regrant premium will not be required because this kind of work is considered as an industry. Such grey areas have put the professionals at a loss as to what they should do.

In fact, I have received complaints from the trade, saying that there are double standards in the definition of industrial uses as interpreted by the Lands Department. Treatment received varies from one architectural firm to another. The regrant premium payable is too high and owners of units in factory buildings will feel it is quite unfair.

The Government should therefore devise a suitable industrial policy as soon as possible and map out a clear-cut direction for the development of industries. It should take the lead to offer incentives for revitalizing the old

industrial areas instead of standing aloof, adopting a non-intervention position and doing nothing while the existing industrial areas are devoured by the market. President, to develop an old area, many improvement measures are required because the environment of many old industrial areas is terrible. Adding to this the large number of trucks, the area is often very disorderly. The Government must make investments to improve the environment if the area is to be revitalized. This would mean, for example, the planting of more trees, undertaking greening work and doing something about the pedestrian areas. In this way these industries can be given a boost. For if not, the problem we will see is that when the manufacturing industries slowly disappear, and if a policy on creative industries or emerging industries is not formulated, it would be very hard to provide any good guidelines in town planning.

Lastly, I have just heard Members refer to two issues of great importance. One of these is, as Ms Miriam LAU has said: What aspect of the policy should we lend our support? Which emerging industries can be incorporated into the scope for regulation? Mr Abraham SHEK raised another question, that is, which trades should enjoy the preferential treatment of not having to pay government rent or regrant premium. All these are difficult questions to answer. In this regard, I think the best method is to do more on planning and policy, and the most important thing is to improve the environment of the old areas so that the emerging industries can get into these areas and contribute to the improvement of the environment. Thank you, President.

MISS CHAN YUEN-HAN (in Cantonese): The economic restructuring of Hong Kong began to take place in the 1980s and many factory buildings have since become vacant. A recent consultancy study points out that the vacancy rate of local factory buildings is as high as 7.5%. But that figure cannot fully reflect the real situation because quite a number of the units there are being misused. For example, it was found out last year that many units in the factory buildings or the rooftops there had been turned illegally into residential units.

The reason for vacancy and misuses of factory buildings is the inflexible policy. Many problems have cropped up as a result. According to figures given to this Council by the Government, over the past couple of years, the TPB considered 240 applications for changing the use of factory buildings and 16% was rejected and consideration of 8% of the applications was postponed. Of the cases which the TPB had declined to consider, some of them were transferred to the Lands Department (LandsD).

The LandsD has received a total of 328 applications for changing the use of factory buildings and only 46% was granted. The reason for this low success rate is that there are too many restrictions on changing the use and the requirements from the Fire Services Department, Planning Department, Buildings Department, and so on, will all have to be met. Also there are requirements with respect to loading and unloading of goods. All in all, it is never easy to change the use of factory buildings.

Land is precious in Hong Kong and it is unfortunate to see factory buildings being left vacant. Many economic activities can take place there and as a matter of fact, they are happening there already. Examples are artistic and performing arts activities. Previously, many of these groups had difficulty finding a venue for practice and so they had their rehearsals in the factory buildings. This has become very popular and the venues are often fully booked. Then there are band rooms. Many young music lovers also rent these old factory buildings for practice because they also find it hard to find a place for practice. I have some photographs taken inside these studios in old factory buildings and they are some very homely places.

Apart from being studios for the artists, many of the units in factory buildings have been converted into rooms for cake-making classes, shops which sell coffee beans and other shops that specialize in certain products. I reckon such activities are quite large in number. I can see from such activities that those who dare to use such places are already using them and those who do not dare to use them are left in a miserable position. As some Honourable colleagues have said, some people want to rent these units to do research in health food, but as they do not dare to do so, they can only look on but do not dare to use them.

The Hong Kong economy has been restructuring for many years and apparently, the manufacturing industries are on the decline. Job opportunities for the grass-roots workers have dwindled. Despite the recent upturn of the economy, these grass-roots workers are still facing problems like low wages and very limited choices of jobs. Last night, I went to Kwun Tong and chatted with over 100 people. A person who was in his fifties said to me, "Miss CHAN, do you really think that the economy has turned for the better?" Then he stared hard into my eyes and said that he did not think so. He is a district officer of the Federation of Trade Unions. He was enraged. It shows that at this time when the economy has improved, the grassroots have not benefited. To make them benefit, the Government has to devise policies in response to the changing

situation. This will give them some room for development. I think that is very important. In the case of CEPA, some newspapers say that every time when we talk about CEPA, we will touch on the employment issue. Some newspapers mock at WONG Kwok-hing and me. All along we have been saying that when we go to Beijing we will ask AN Min to relax by all means the restrictions on products made in Hong Kong. We hope that products from Hong Kong can give some employment to people with creative and other special skills. It is unfortunate that the Government has not made good use of CEPA as a tool. On top of that, the Government has imposed a lot of restrictions on the old factory buildings. Many people are now not engaging in manufacturing industries pure and simple. They do not need to put in a lot of machines there. They are engaging in businesses like crafts. They can build up a Hong Kong brand name and help Hong Kong grow with their products. But the Government has not given them any leeway to manoeuvre. As rentals in the market are very high, so the vacant factory buildings would be an ideal place for them to bring their abilities into full play.

Let us try to see why this is not successful now. I have really received a lot of complaints and handled many such cases. According to the Factories and Industrial Undertakings Ordinance, a factory is any premises or place in which articles are manufactured, repaired, ornamented, finished, adapted for sale or in which materials are transformed for sale, and so on, and within the close of which any machinery other than machinery worked entirely by hand is used or 20 or more persons are employed in manual labour. Frankly, how can some creative industries afford to hire more than 20 people? It would be very lucky if the people engaging in such industries can earn a living for themselves and some people who are committed to such creative endeavours. This law is very much outdated. Some people even say that it would be unlawful for them to sleep there. In my opinion, the people have weathered 10 years of an economic downturn and now some of them have turned to the factory buildings to make a living there. But they face one problem in the existing system. In 2003, the TPB expanded the definition of "industrial use" to that "for the storage, loading and unloading of goods and cargoes; of for the training, research, design and development, quality control and packaging in relation to the above processes". But that is not enough. The Government has to also amend the law. Have design, scientific research, or emerging industries like the telecommunications or creative industries been added to the definition? Or industries like weaving a duck out of bamboo splints, have they been added to the definition? I have no idea of that. This is because the law stipulates that more than 20 persons should be employed on manual labour. People like to use these places because the

rentals are low. But even if there are potentials for development, the restrictions are far too many. So the Government must do something about it.

I would now turn to the last point in the original motion and that is, "encouraging overall planning for vacated factory buildings in old industrial areas". I agree with this idea completely. I had once visited my "dream factory" with the Secretary. But those two blocks of factory buildings were all covered up. Things look good in the two blocks of factory buildings in San Po Kong and it can be said that they compare favourably with 798 Art Zone in Beijing. It would be great if people can engage in design work there. I even brought some professionals there and they said that these factory buildings were safe even if the Housing Department had classified them as unsafe. Unfortunately, in the end the Government did not give its consent.

We can see that in the development of the entire Southeast Kowloon, if the old factory buildings in San Po Kong are included, it could mean a way out for the creative industries. Some special districts for creative industries that are related to the tourist industry may also be set aside. At that time I talked with Mr SUEN. That was back in 2003 or 2004. Unfortunately, nothing was done by the Government afterwards and the matter was simply forgotten. I agree to that idea. We can lease these vacated factory buildings at a low rate to the young people, schools or voluntary organizations. It is unfortunate that to this day the Government has yet to change this policy.

I hope that with the motion debate today, the problem can be brought up again. However, although I support changing the use of private factory buildings to cope with the socio-economic changes that have taken place, I think that no misuse of these factory buildings should be made. I do not agree to the idea that they should be turned into residential units or other uses. Lastly, I would also like to say that I have a friend who is prepared to hold a large-scale exhibition in Yau Tong in the likes of the exhibitions held by the Chinese Manufacturers' Association, but he has met a lot of difficulties even up to now (*the buzzer sounded*).....

PRESIDENT (in Cantonese): Miss CHAN, your speaking time is up.

MISS CHAN YUEN-HAN (in Cantonese): Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the idea of assisting in the transformation of factory buildings must never be turned into a means to bring in colossal gains for the giant consortia and developers. It must never be turned into a policy to cheat the small property owners. All policies and decisions must be discussed in public and public consultation should be carried out and decisions are to be made in accordance with the principle of being fair, open and honest.

President, it is not for no reason that I have issued this warning in advance. There were countless examples of how people from the districts suffered because of the special policies regarding the factory buildings or from the Government. Let me talk briefly about the case of the Rambler Crest development on Tsing Yi. When Container Terminal 9 was built, the Government said that a buffer zone would be set aside in the middle of the land lot for the developer to apply for permission to build a hotel. Then the developer applied for permission to use the part for a hotel to build serviced apartments instead. After approval had been granted for the building of serviced apartments, the developer then used some unscrupulous means to sell the flats as private residential units. The result was widespread grievances among the residents of the district.

Apart from the case of the Rambler Crest development on Tsing Yi, there are many other examples. One such is also a development of the Hutchison Whampoa Group which is located at Wo Yi Hop Road. Besides, there are also three development projects of serviced apartments along Yeung Uk Road in Tsuen Wan. These are projects by three different developers and the same problem is found. So regardless of Members or the Government, there are times when they act out of goodwill and of their subjective wish to see the industrial areas rebuilt or redeveloped and to reduce pollution and upgrade the use of land there, but often these become the means for developers reaping colossal profits. When the owners have moved into their flats, they find that the living conditions there are terrible.

With respect to the transformation of factory buildings, I strongly oppose turning them into residential units or serviced residential units in disguise, for this will in the end help amass big fortunes for the developers and small property owners will be cheated. Recently, there are many applications for converting the industrial buildings. Some are to be converted as commercial buildings

while some others are to be redeveloped as hotels. Some of these applications have actually been approved if they follow the formal procedures of town planning. It can therefore be seen that it is not true to say that no relevant mechanism is available.

Of course, I agree with the point that there are far too many vacated industrial buildings and they should be put to better use. I have got a suggestion and the Secretary may as well consider it. This is actually a three-win proposal. In either way, the Government, the public and the owner themselves will win. I suggest that permission be granted to develop these industrial buildings to cater for more artistic and cultural uses. This point has been mentioned by a few Members already.

The Secretary is well aware of the great demand at the community level. Many districts like Tsuen Wan, Tsing Yi, Kwai Chung, Kwun Tong, Tuen Mun, Yuen Long, Wong Tai Sin, Chai Wan, and so on, have many such industrial buildings which have fallen into disuse. But cultural and leisure venues are lacking in these districts. Members know that over the past 10 years or so, many people in these districts like to learn dancing or sing Cantonese opera. People from Tuen Mun do not have a place to sing and so they go to the Tuen Mun Park, and this has even become a political issue. Those who want to sing have nowhere to sing while other residents are affected by the nuisance caused.

It would be a perfectly workable idea to change the use of these industrial buildings and let the groups organize such activities there. However, owing to reasons like land leases, enforcement of town planning rules and also possibly enforcement of the terms and conditions of the deeds of mutual covenant, these buildings cannot provide venues for these activities in a formal manner. Of course, some of them are doing it secretly — I will just say it to the Secretary — and they are very successful. As a matter of fact, more than 10 years ago, the Tom Lee Piano Company already moved its office and outlet for music instruments into the industrial area of Tsuen Wan. The company also has a shuttle bus service running to and from the Tsuen Wan MTR station. So we can see that these changes can indeed be successful. If the Government changes the policy on that and then amend the relevant legislation, I believe these places can be turned into cultural and leisure venues at a district level.

I would now like to turn to two very successful examples elsewhere. One is in London and the other is in Beijing. The Tate Modern is a museum of

modern art opened in 2000 and it was converted from a former power station in an old district. It has since then changed into a world-class art museum. Many tourists are drawn to the place where they will patronize the bars, restaurants, art galleries and theatres there. This has not only brought new financial gains but also an uplift in the life of people living in the neighbourhood.

This is a very important thing. A drab and polluted industrial area after a facelift can breathe a new life of art and culture and enrich the life of people living in it. I do not think I need to talk about West Kowloon, right? All I need is just to walk to the other side of the road. The industrial area of Tsuen Wan is close to the Fuk Loi Estate, the Discovery Park and the Tsuen Tak Garden and if this old industrial area is given a facelift, people from these residential blocks can just walk across the road and enjoy the arts and cultural facilities.

In our great Motherland, the 798 Art Zone in Dashanzi of Beijing is another success story. It used to be a military zone and was later turned into an art and culture zone. Many art studios, international art galleries and shops on art books have been set up and some of the buildings are converted into clubs and restaurants. Many art festivals, biennial celebrations and all sorts of exhibitions are held. The *New York Times* even compares this zone favourably with Soho.

Therefore, there are precedents of changing old industrial areas and these are three-win proposals. Having said that, I must remind the Secretary again that any change to be made must be fair, open and honest and the giant conglomerates must not be given any chance to reap huge profits out of any loophole. Otherwise, it would be the ordinary members of the public who will suffer.

Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If no other Member wishes to speak, I will now call upon the Secretary for Housing, Planning and Lands to speak.

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): President, the motion moved by Mrs Selina CHOW today urges the Government to assist in the transformation of traditional factory buildings to suit the present economic and commercial development. I thank Mrs CHOW and the other 17 Members who have spoken on this subject for their valuable opinions. I agree that when formulating policies, the Government should keep pace with the times and act responsively to current needs.

With the structural changes in the industrial sector, industrial activities in Hong Kong have been shifting from manufacturing and production-oriented to more diverse management/service-oriented and information based since the 1980s in the last century. Despite the fact that the traditional industries predominated by production, manufacturing and assembling have been dwindling, some other types of light industries are still active and have continued to contribute to Hong Kong's economy. We therefore cannot disregard the needs of these industries at all in planning the land use. As for existing industrial buildings, it has always been the policy objective of the Government to update our regulatory system in a timely and proper manner so as to achieve an optimum use of resources.

In response to Mrs CHOW's proposal, I would like to first point out that other than providing for the definition of "Industrial Use" and "land" uses, measures have been formulated in updating the use of "Industrial" zone to meet the needs of our economic and commercial development.

The Town Planning Board (TPB) reviews and updates land uses regularly in response to the social and economic needs. Apart from revising the statutory uses in the outline zoning plans, the TPB updates and extends the coverage of definitions of land uses according to actual needs. As early as in 1987, the TPB extended the definitions of "Industrial Use" to cover design, research and development in relation to industrial processes and allowed the setting up of trading firms which required large storage space and frequent loading/unloading and a limited number of ancillary offices in industrial buildings.

In 1997, the TPB included training in relation to industrial processes in the definitions of "Industrial Use" and further relaxed the control on uses always permitted in industrial building/land by allowing the ancillary office use of up to 50% of floor area and showroom use of up to 20% of floor area.

The definition of "Industrial Use" was further revised in 2001 to allow more uses in industrial buildings. These included manufacture, alteration, cleansing, repairing, ornamenting, finishing, adaptation for sale, breaking up, or demolishing or transformation of goods and materials; the storage, loading, unloading or handling of goods and cargo; or the training, research, design and development, quality control and packaging in relation to the above processes. As a matter of fact, the definition of "Industrial Use" adopted in town plans now gives a far more extensive coverage than the definition of "Factory" under the Factories and Industrial Undertakings Ordinance.

The column of uses always permitted, that is, uses which require no planning application, in "Industrial" zone, has been extended to cover "Office Related to Industrial Use", "IT and Telecommunications Industries" and "Research, Design and Development Centres", and so on.

Apart from updating and expanding the definition of "Industrial Use" and the permitted uses in the "industrial" zone, we have further introduced new land use zoning to allow greater flexibility in the use of existing industrial land. Since the introduction of the Other Specified Uses annotated "Business" zone by the TPB in 2001, more than 200 hectares of "industrial" land have been rezoned for "Business" use. The redevelopment or conversion of old industrial buildings in "Business" zone for both commercial and clean industrial uses including office, IT, telecommunication industries and other creative industries requires no planning permission from the TPB. Application for hotel development at suitable locations in the "Business" zone is also allowed.

The TPB has further rezoned about 50 hectares of "industrial" land for other uses including "Residential (Group E)", "Comprehensive Development Area" and "Commercial" uses. The aforesaid transformation has fully illustrated the Government's flexibility and responsiveness to changing needs pursuant to the requirements of relevant policies and legislation.

Given that our longer-term objective is to develop Hong Kong into a logistics hub in the Pearl River Delta Region, it is anticipated that there will be a significant increase in demand in the use of industrial land for storage/warehouse purpose in the long run. We propose that sites currently categorized as "Industrial" zone should continue to be retained for industrial purpose, except those abutting on residential or commercial land in urban areas which may be considered for rezoning for compatible uses with the surroundings. The TPB has agreed to this proposal. As for other areas, owners and stakeholders may

apply to the TPB for rezoning their land for other uses pursuant to section 12A of the Town Planning Ordinance. The TPB will consider their applications based on individual merits.

As can be seen from the above, it has been a long-standing policy that we assist in the transformation of old industrial buildings by means of planning. It is evidenced by facts that this has worked well. According to the Report on the Updated Area Assessments of Industrial Land in the Territory completed by the Planning Department (PD) in 2006, the vacancy rate of industrial buildings in the territory has been improving over the past few years. As at 1 April 2006, there were 93 638 industrial buildings in the territory and the utilization rate of private factory buildings was over 90%. The APM in Kwun Tong and Taikoo Place in Quarry Bay provide the examples of successful transformation of industrial buildings. These examples indicate that with appropriate transport infrastructure, timely updating of land use planning, market demand and the concerted effort of the industry, the transformation of old industrial buildings is perfectly achievable.

Mrs Selina CHOW has proposed to encourage overall planning of vacant factory buildings in old industrial areas at town planning level and develop theme areas for creative industries, electrical appliance cities and merchandizing cities. Firstly, "creative industries" cover a wide range of uses. Uses related to research, design and development of industrial processes, as I have just mentioned, are always permitted in town plans for "Industrial" and "Business" zones and no planning permission is required. Land owners are free to develop any creative industries they like.

I appreciate that Mrs Selina CHOW also hopes to assist owners as far as practicable in the transformation of their factory buildings for commercial purposes like developing them into electrical appliance cities, merchandizing cities, and so on. Nevertheless, the transformation takes time and has to tie in with the supporting infrastructure and market demand. Some of the old industrial buildings are in the process of transition towards such a transformation. Individual owners may apply for partial conversion of their industrial buildings for commercial use. We must, however, take into account that in processing such applications, the TPB must pay due regard for public safety. For instance, according to fire safety guidelines, there are potential risks for carrying out industrial and commercial activities within the same building because industrial activities may involve higher risks of fire and

accidents, and commercial activities may attract visitors not involved in any industrial activities in the building. To minimize the danger possibly brought about by hazardous incidences, it is necessary to require applicants to take corresponding safety measures.

In general, in the non-industrial portion on the lower floors of existing industrial or industrial-office (I-O) buildings in the "Industrial" zone and "Business" zone, "retailing and service industries" are uses always permitted and planning permission from the TPB will not be required if a buffer floor is provided in such a building to separate such proposed uses from the industrial uses on the upper floors and fire safety requirements are complied with. However, where a buffer floor is not provided, planning permission from the TPB will be required. In view of the safety concern as mentioned above, applications for change of use of lower floors of existing industrial and I-O buildings for "retailing and service industries" must satisfy the fire safety requirements of the Fire Services Department, that is, the aggregate commercial floor areas for buildings with and without sprinkler systems must not exceed 460 sq m and 230 sq m respectively.

The abovementioned situation is not ideal. They are just transitional and temporary arrangements provided for the industry to facilitate gradual transformation of old factory buildings. In the long run, old factory buildings, on a whole building basis, will need to be converted for other development purposes. Our policy is to encourage all owners of the same old industrial building to apply jointly to the TPB for change of use of their building in whole for commercial use so that the restriction on commercial floor area under the above temporary arrangements can be relaxed. In this respect, the PD, District Lands Offices and other departments have already provided clear guidelines. In sum, though we cannot force all owners of factory buildings to convert their building in whole for other purposes, we believe that market force will play its part and can successfully drive the transformation of traditional factory buildings.

I support Members' view that co-ordination among relevant departments should be enhanced and approving procedures should be streamlined. Our colleagues of various departments have also been working towards these targets. Regarding the procedures for change of land use, applications are processed by the TPB in accordance with the Town Planning Ordinance in a one-stop manner. Applicants do not need to submit their applications to different departments.

Comments and requirements of various departments are considered in the process of handling planning applications.

Over the past two years, the TPB has considered a total of 240 planning applications for change of use of factory buildings, among which 181 have been approved. Applicants were rejected mainly because they failed to meet fire safety, building design and loading/unloading parking space requirements. Others were rejected for over-scaled development of proposed use, uses which may have adverse impacts on the surrounding environment, and so on.

Apart from rezoning industrial sites for other uses by the TPB, the Lands Department (LandsD) has also introduced measures to facilitate applications for relaxing restrictions on the use of industrial buildings. The LandsD has simplified the processing procedures for approving short term waivers to facilitate industrial building owners to apply for converting their buildings for other uses. As long as the proposed use is in line with the relevant town plan or the planning permission is granted, and requirements of relevant government departments are met, the LandsD will grant the short term waiver. At present, the LandsD generally needs only three to five months to grant a short term waiver. Applicants have to pay certain fees to reflect the increase in value of their property during the waiver period. They may appeal against the level of the fees assessed if it is not agreeable to them. The District Lands Office concerned will consider individual case based on the information and data provided by appellants.

Between January 2005 and November 2006, the LandsD received a total of 328 applications for change of use of factory building units/land. Over this period, 176 applications have been approved and 36 rejected. Reasons for rejection mainly include applications not supported by the TPB or other departments, withdrawal of application by applicants, unpaid administration fee or failure to provide sufficient information to the District Lands Office by applicants.

I would like to take this opportunity to mention a remark made by some Members that the LandsD had been too rigid in handling breach of lease conditions by factory building owners and that might not be useful in facilitating the transformation of factory buildings. I think I need to clarify on this. Once the LandsD detects unauthorized use of industrial buildings for commercial, office and showroom purposes during inspection or on receipt of complaint, the

Department will require the owner concerned to rectify the irregularity. If the owner is actively pursuing rectification actions, we will give the owner enough time to rectify the situation, including applying for change of land use of his unit.

As Mrs Selina CHOW has suggested in her motion that the relevant departments should, strictly on the premise of meeting building safety requirements, streamline and expedite the processing and approval of applications by factory building owners for changing the use of land or factory buildings. We will enhance co-ordination among departments and review the approving criteria from time to time, in order to reduce unnecessary procedures, enhance transparency of the application process and shorten the time required.

We believe that the various measures being implemented have already met our industrial needs effectively, as demonstrated by the examples of successful cases I have just quoted. However, the redevelopment and transformation of old industrial areas as well as improvement of the vacancy rate of industrial buildings are subject to various factors such as market demand, multiple ownership, building structure, building services and fire safety consideration. To move with the times, we will continue to monitor and review the market demand for industrial sites to tie in with the Government's need for economic development. In the process, we will continue to discuss with the industry the way to further expedite the transformation through market forces.

Thank you, President.

PRESIDENT (in Cantonese): Mrs Selina CHOW, you may now reply and you have one minute 56 seconds.

MRS SELINA CHOW (in Cantonese): President, first of all, I am grateful to the 18 Members who have spoken on this motion, and they have not only spoken, but also expressed support for my motion. I am also very glad that I do not see any "Christmas tree-like" amendment proposed to this motion today.

I heard the Secretary say earlier that Members actually should have seen some good signs, such as the fact that about 90% of the industrial buildings have been undergoing transformation gradually. However, we must not neglect one point and that is, those industrial buildings can be successfully transformed

mostly because their ownership is in the hands of the principal owners, which means that ownership is shared only by a small number of people, and it is, therefore, very easy for them to do so. But in the case of buildings with multiple ownership, which means that many small owners are involved, problems are set to arise. Meanwhile, we must also consider the situation of the district concerned. For example, the Yip Fat case in Kwun Tong. Kwun Tong is developing gradually; there are demands among the small vendors for small units, while owners also need tenants like these small vendors. If we destroy their means of living, their reaction would be very strong. I very much hope that the Secretary can review together with various departments or offices those rather bureaucratic, inflexible, hard-and-fast or even impracticable rules and regulations, in order to examine whether it is possible to allow small vendors to operate during the transitional period in the light of the actual circumstances.

I must reiterate that we are not requesting charity handouts or allowances. We only hope that the Government can address this problem squarely and come up with some solutions expeditiously, in order to give them a way out. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mrs Selina CHOW be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

PRESIDENT (in Cantonese): Second motion: A comprehensive review on mental health policy.

A COMPREHENSIVE REVIEW ON MENTAL HEALTH POLICY

DR KWOK KA-KI (in Cantonese): Madam President, if we had read the newspapers recently, we would have found some stories about mental health and that is something we all know. A few weeks ago, an assistant at Castle Peak Hospital was attacked by a patient. The incident might be caused by the manpower problem in the hospital, that is, there was insufficient manpower to take care of some patients.

In addition, there has been of late an exodus from the hospitals in the New Territories East and some other hospitals. As resources in public hospitals are not sufficient, there has been a massive drain of veteran doctors from these hospitals as they have to cope with great pressure at work and find increasingly little satisfaction from work.

Actually, there used to be something very peculiar and that is, whenever some incidents occurred, there would be strong reverberations among the public on matters like mental illness and mental health. In last year, that is last June....., we recall that in last July an incident occurred in Tin Shui Wai in which three women with mental illness died in a suicide pact. Last October a man with a history of mental illness attacked his mother and killed her. In December a middle-age couple with depression killed themselves. Previously, when after these sad events had happened, many people would air their concern about mental health, saying that they hoped that the Government could take better care of such kind of people. However, might be such things have happened too often that, as I see it, people are beginning to become indifferent to these events. Even as there may be a lot of incidents caused by the insufficient care given to people with mental illness, the whole community or the Government seems to be paying very little attention.

Just how serious is the problem of mental health in Hong Kong? I would like to illustrate this with some figures. According to the findings of studies undertaken by the World Health Organization, at least 10% of the population of a place in general have mental illness of various degrees. The mildest ones may have anxiety, a fair amount of depression and the most serious ones may have schizophrenia or some other more serious conditions. According to estimates made by psychiatrists in Hong Kong, of the 6.8 million people here, those who require psychiatric services number about 200 000.

In such circumstances, I hope very much that the Government can undertake an examination of the future policy on psychiatric services for Hong Kong. What is Hong Kong's mental health policy? Has one ever been formulated? If we take a look at the reply given by the Government to this Council, we can see that the only work that has been done in recent years is the Secretary setting up a committee last August. But can this committee help us enhance mental health services in general? This is an unknown. We can see that some important discussions have been carried out around the world on mental health policy.

In October 2005, a green paper was released by the European Union in Helsinki in which it was clearly pointed out that of the chronically ill, those whose mental health was impaired and hence lost their ability to lead an independent life or earn a living took up 40% of the total number in the European Union. It was also found that in the European Union, the number of people died of suicide definitely outnumbered those who were killed in murders or traffic accidents. According to European Union estimates, 3% to 4% of the GDP has to be put on health care. But unfortunately, in the European Union, only 6% of the total health care expenses are put into this area. So in January 2005, the European Union laid down 12 action agendas and the aim of these action agendas is all the some 50 states of the European Union should attach greater importance to mental health.

In 1997, the British Government formulated three important tiers of work for its national health services. These include those on cancer, coronary heart diseases and mental health. Britain's situation in 1997 might be similar to that of Hong Kong now, that is, it did not have a policy and enough resources on mental health. Therefore, in 2002 a report pointed out that during the year 2010-2011, the British Government should double its input of resources in mental health than it had done in 2002.

Let us look at another example and that is Australia. In 2006, the Australian Government drew up a new action agenda on mental health in which it was stated that a total of AUD\$1.9 billion would be expended during the 2006 to 2011 period to increase funding for psychiatric services. Those services associated with mental health include in particular services for mental illnesses of the elderly, community health care, employment assistance and education offered to patients, and so on. In 2001, an extra AUD\$120 million was injected to boost the support for community and primary health care. As for support for

mental rehabilitation and mental illnesses, where are the resources put? I can give a few examples to show that in many countries around the world, including our neighbours, there are in fact some specific policies which cater for mental rehabilitation. But very little is done on this in Hong Kong.

Moreover, we can foresee a problem and that is, the persons involved in psychiatric services, be they of which profession, from doctors, nurses to even social workers, psychologists and therapists which these patients are to face in the course of their rehabilitation, would all have to work under tremendous pressure and with scanty resources at their disposal.

During the period from 2000 to 2005, the overall demand for various kinds of psychiatric services in Hong Kong was on the rise. Let me cite a few important figures. The number of patients seeking specialist psychiatric service rose from 430 000 to 605 000 in 2005, representing an increase of more than 40%. The number of patients seeking consultation at the hospitals during daytime rose from 146 000 in 2000 to 183 000 in 2005, or an increase of 25%. The total number of people hospitalized or rather, the number of people discharged from hospitals, rose from 12 600 in 2000 to 15 200 and that is also an increase of more than 20%. But what about the expenditure on mental health or treating mental illnesses? Those on health care services dropped from \$2.64 billion in 2003 to \$2.53 billion in 2005 while the overall expenditure which includes rehabilitation services fell from \$3.2 billion to \$3.1 billion. This can really enable us to see that front-line workers in different positions are all having a really hard time and we can also see that they are leaving their jobs with great disappointment and frustration. This is really tragic.

Another problem which I notice is the fragmentation of some of these services. This fragmentation which first starts in the psychiatric services has led to yet greater fragmentations in medical treatment and social services. What we would hope to see most of all is that, irrespective of which level the patient may find he or she in, be it in the hospitalization or the rehabilitation level, or even at the level when they have left the institution and returned to society for rehabilitation and employment, services will be delivered to them under a new common and co-ordinated approach. Unfortunately, under the present circumstances, all these services are fragmented.

Another example is about health care services and pre-school and employment, that is, the fragmentation between the services that are provided to

school children and the Education and Manpower Bureau. This is because, as a matter of fact, many of the school children in Hong Kong with learning difficulties are in dire need of psychiatric services. But I fail to see any matching action taken to cope with the situation.

In my motion, I have mentioned some new funding mechanism. At present, there are two factors that affect health care, in particular funding for mental health. First, due to financial reasons the Government is giving less and less funding to the Hospital Authority for health care services in general. Second, under the new hospital clusters system, funding for mental health is often not given the due attention that it deserves. In many other countries in the world, funding for psychiatric services, including both health care and social services, are in fact put under the same funding mechanism. This will give a clear message to both patients and health care personnel alike, and they will know that the money can be used on them.

Often we can see that patients will not be able to get enough resources at different levels. Let me cite three very important examples. First, hospitalization services. Second, rehabilitation. Third, employment and other services after discharge from hospital. With respect to hospitalization services, we have just seen from the figures cited that no help is given to them both in terms of manpower and matching actions taken. Now when some psychiatrists see a patient who is not on his or her first consultation, they would spend less than five minutes to attend to their patient. Madam President, often times I would say to them that they are not treating the patients but only looking at their faces. Why do I say that the doctor is looking at the patient's face? Because after the patient has sat down, and after the doctor has opened the records in his computer, he can only have the time to see if the patient looks good that day or if the patient has got any side effects from the illness. And he has to make a diagnosis in less than five minutes. In many cases, a doctor may only see his patients again three months later. This is very disappointing to the psychiatrists, nurses, social workers, patients or friends of the patients.

I hope very much that the Government can have a long-term and viable mental health policy in place. Such a policy must never be empty talks but it should guide the Government to inject enough resources into that area and in a reasonable manner, thereby making everyone working in this field see some prospects ahead. Actually, the morale of front-line workers is very low indeed and I think the Secretary will also see that there is a manpower problem there. In the New Territories East cluster, for example, over the past three years,

workload had increased by 35% but there was no matching increase in manpower. What the staff can do is to work longer and longer hours and give less and less time to the patients in a desperate bid to cope with such crushing pressure at work and heavy workload. This is no easy task to complete, nor is it easy to persuade the Government to show more concern and put in more resources. But I think it is worth doing. If this matter is not addressed well enough, I think at each and every level, be it the patients, their families and even society in general, they will all suffer great losses. These would include some direct impacts and the impact on productivity. I hope we can all work hard in this regard.

Thank you, Madam President. I so submit.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, please move your motion.

DR KWOK KA-KI (in Cantonese): Sorry, President. I move that the motion as printed on the Agenda be passed.

Dr KWOK Ka-ki moved the following motion: (Translation)

"That, as the number of consultations by psychiatric patients in Hong Kong increases significantly every year and the annual number of consultations and first consultations at the psychiatric specialist out-patient service of public hospitals also rises drastically, but the Government fails to provide adequate support in this respect, resulting in a serious shortage of resources and health care personnel in psychiatric services at present and dire challenges for diagnosis, treatment, medication, hospitalization and rehabilitation services, as well as patients being denied more suitable medicines and better treatment, this Council urges the Government to:

- (a) expeditiously conduct a comprehensive review on Hong Kong's mental health policy to cause the public to pay proper attention to mental health;
- (b) allocate more resources to psychiatric services for recruiting more health care and other specialist personnel, strengthening relevant training for health care personnel across the board, enhancing the

ability of family doctors to treat relevant illnesses and improving the existing psychiatric services in such areas as diagnosis, treatment, medication, hospitalization and rehabilitation;

- (c) integrate and co-ordinate the territory's medical and social services in mental health, and explore a new funding mechanism, so that the public can enjoy more comprehensive mental health services;
- (d) invite people concerned across the community, including front-line health care personnel, patients and their family members, social workers, social welfare organizations, academics and other people who are concerned about mental health in Hong Kong, to jointly take part in the formulation and review of the overall mental health policy;
- (e) enhance public education on mental health, so as to deepen the public's understanding of mental health and reduce discrimination of the community against mental patients and ex-mental patients; and
- (f) conduct regular studies on the situation of and policy on mental health in Hong Kong, so that corresponding measures can be taken to upgrade the mental health services in Hong Kong."

PRESIDENT (in Cantonese): I now proposed the question to you and that is: That the motion moved by Dr KWOK Ka-ki be passed.

PRESIDENT (in Cantonese): Two Members will move amendments to this motion. The motion and the two amendments will now be debated together in a joint debate.

I will call upon Dr Fernando CHEUNG to speak first, to be followed by Dr Joseph LEE, but no amendments are to be moved at this stage.

DR FERNANDO CHEUNG (in Cantonese): To begin with, President, my thanks go to Dr KWOK Ka-ki for moving such an important motion because mental health is not taken very seriously in Hong Kong.

Speaking of health, both physical health and mental health are vital for they are very often related. Judging from the circumstances of the territory, however, we all know that we are under tremendous stress without my mentioning it and "Bus Uncle" telling us. We face substantial stress in our daily life and work. Given the extremely high speed, interpersonal relationship and the extremely narrow physical distance, we often have to address a number of things and very often have no idea how to deal with them.

What is the situation of mental health in Hong Kong? What will be provided in terms of mental health services, rehabilitation, follow-up and treatment should someone experience mental health problems? In my opinion, there is enormous room for improvement in this regard. First of all, there is an apparent lack of basic data. How many mental patients are there in Hong Kong? How many of them are actively in need of rehabilitation services? Even I do not have much information on this.

We only know that the annual number of consultations at the psychiatric services of the Hospital Authority (HA) is approximately 600 000, with the annual number of first consultations standing at 20 000. The accumulated figure is certainly not low if projected on the basis of 20 000 per annum. According to the information provided by the World Health Organization and quoted by Dr KWOK Ka-ki earlier, the proportion stands at 10% of the population. It has been estimated by the Department of Health in Hong Kong that there are approximately 200 000 mental patients in Hong Kong. This figure is obviously underestimated. What is the actual situation? If such problems really happen — they could occur to anyone, be they rich, poor, male or female. Actually, this is fair for anyone might encounter mental problems.

What happens if something really goes wrong? Let us look at the situation of young patients. During the period between 2001 and last year, the number of consultations by people between the age of zero and 11 substantially increased by 30%, from 14 000-odd to 18 000-odd, reflecting a substantial demand for consultation services. After examining the figures of waiting patients, we will find the situation even worse. In response to an oral question raised by me in November 2005 regarding this issue, the Government replied that the median waiting time for patients aged below 18 for psychiatric out-patient services was four weeks, with the maximum wait reaching 53 weeks, that is, more than a year. How much importance do we attach to the situation of these people who have been diagnosed as psychiatric patients?

Let us examine the situation of the elderly. The priority accorded to the elderly is even lower compared to young people. The median waiting time for the elderly is three weeks, with the maximum wait reaching 141 weeks, or almost three years. The waiting time, be it three years or one year, is absolutely unacceptable. I believe Secretary Dr York CHOW certainly knows it very well that "one should seek medical treatment before one's sickness gets too serious". Is such a waiting period practically feasible to enable us to seek medical treatment before our sickness gets too serious? Besides young people and the elderly, there are still many unidentified patients in the community, including those suffering from depression, a common mental illness. If support is to be extended to these hidden patients, will the figures be even more alarming? Will the long wait get even longer?

Dr KWOK Ka-ki earlier mentioned some kind of an exodus. Are the resources allocated to the psychiatric services of the HA assured to a certain extent? At present, the manpower has reached such a state that doctors, like fortune-tellers, can only spend five to six minutes on each patient, and yet the patients have to wait for one whole year. As Asia's world-class city.....it is hardly conceivable as to why we can attach so little importance to mental rehabilitation and mental health services.

In addition to the constantly rising demand because of a lack of manpower and resources and our failure to see matching of resources, the issue of fragmentation, as mentioned by Dr KWOK earlier, is considered by us to be very important and has to be addressed. At present, it is considered not bad if a mental patient waiting in the line finally manages to consult a doctor. The patient will then receive treatment, including medication, or he be referred to social service units for follow-up. Patients studying in school can continue to attend school, or else they may seek employment through some rehabilitation programmes. Sheltered workshops or employment counselling services may be offered to patients who have not yet been able to secure employment. However, I have now found that the patients are not provided with information on these complementary measures and services offered.

After chatting with many ex-mental patients and their family members, I found that seeking psychiatric consultation was one matter. However, the patients had to take care of themselves as no one would follow up their cases after their recovery. At present, there are many patients of different categories, different illnesses and different ages, and their needs are different. However,

we find that there is no systematic method enabling their access to some essential services. For instance, a student suffering seriously from psychosis may require a period of hospitalization. If he is to continue his studies in school, get along with his classmates and catch up with his homework after being discharged, who can help him? The answer is no. He can merely take care of himself. How are the family members of mental patients treated? How can they be helped? During our conversations with the family members of mental patients, we found that they simply did not know what to do when something very serious happened. Very often, they would collapse too. How will these complementary measures be provided?

At present, are there any people available to take care of the emotions of patients, whether they are patients referred to sheltered workshops or domestic violence victims, after their conditions of injury have been examined? After their physical injuries have been treated, they might be told to go home, staying at home by themselves all the time. If no one follows up their mental conditions, they might end up suffering from depression. In this regard, the authorities have simply failed to come up with any complementary measures.

According to the HA, there are 25 district-based Community Mental Health Link units under the Social Welfare Department, with each unit serving 100 people. This means a total of 2 500 people will be served. By establishment, however, there is only one social worker and one assistant, and their workload has actually exceeded the estimate. Last year, the number of people served more than doubled to over 5 000. However, the demand simply far exceeded what could be provided. Furthermore, emphasis was placed more on the provision of simple socializing services. The objective of taking care of the family members of mental patients or providing rehabilitation for the patients themselves has yet been achieved.

At present, there are only three supported hostels operated by the Government. Even if private-run hostels are added, the total number of supported hostels is less than 10, each with a capacity of about 20. Actually, the gap between the figures and the demands is so large that patients have to wait even for half-way houses. Furthermore, the Government's provision of a lump sum grant has actually led to slashes in manpower and increases in workload. Such being the case, the morale of both health care personnel and practitioners of the social welfare sector is quite low. In terms of referral or complementary measures or services, including the problem of ex-mental patients having to face

repetitive work and extremely low wages in sheltered workshops — a news report just covered the experience of a person who used to eke out a living by working as a bus cleaner. However, because of years of exposure to detergent, both of his hands had festered and he was forced to return to the workshop to earn a daily wage plus bonus of a mere \$34.

Owing to these circumstances and the streaming practice adopted in hospitals due to a lack of resources, patients are often denied care. I have therefore added a few items in my amendment, though merely for improvement purposes, in the hope that mental health services across the board can be co-ordinated and a mental health council be set up to avoid the present situation which is plagued by fragmentation and inadequate resources. Thank you, President.

DR JOSEPH LEE (in Cantonese): Madam President, the two Members pointed out earlier a variety of circumstances in Hong Kong, namely the lack of resources for serving mental patients and an acute manpower shortage. I would attempt to discuss this problem from a new angle.

Actually, what is meant by mental health? According to the definition provided by the World Federation for Mental Health and the World Health Organization (WHO), as has been pointed out by Honourable colleagues, mental health is broader than a lack of mental disorders. According to the definition offered by the Journal of the American Medical Association, a person in a state of mental health has the capacity to fulfil relationships and productive activities; the mental flexibility to adapt to change and the ability to recognize and contend appropriately with adversity. Mental health enables us to think, communicate, learn, adopt a positive attitude towards everything and enable our emotions to develop, thereby giving us resilience and self-esteem.

Today's question is related to a review on mental health policy. But what is meant by mental health policy? According to the definition provided by the WHO, a mental health policy is a systematic series of sense of value, principles and objectives aimed at improving the mental health of people and reduce burdens caused by psychotic disorders. A mental health policy offers an overall blueprint for the prevention, treatment and rehabilitation of mental disorders and such work as the promotion of mental health education and publicity in communities through description of general objectives required to be realized

and laying down a foundation for future actions. The policy should also ascertain the major participants in the mental health domain and clearly set out and co-ordinate their roles and responsibilities.

Hong Kong's current mental health policy is apparently tilted towards treatment and rehabilitation. At the preventive level, injection of resource and formulation of policies can be considered to be seriously neglected. Although the Secretary once indicated in answering Members' questions that resources had been injected, it was evident from his reply that the resources injected seemed to be focused on community rehabilitation and health care services since he had failed to tell us how many resources had been devoted to education and preventive policies. Does it imply that the amount of resources injected is so small that it is impossible to be set out or the Government has simply not considered devoting resources to preventive and education work for the provision of proper mental health services?

The Secretary has also expressed his commitment to promoting mental health and introducing a series of preventive initiatives through public education. However, we have not seen the Government injecting any resources. Will the Government merely pay lip-service, as usual, without putting its words into actions?

According to the Secretary, a Working Group on Mental Health Services has been set up to review mental health services. However, it is revealed that the Working Group comprises predominately health care professionals and academics, without the participation of other people from the community. Does it again imply that the health care and rehabilitation components remain the focus of the Working Group while preventive work is once again being neglected — prevention is a vital component of mental health?

It is evident that the mental health policy and resources are at present merely focused on treatment and rehabilitation without performing community preventive work properly. Actually, the WHO also advocates enhancing public knowledge of mental health and their problem-solving capability by way of public health education. It is vital for preventive work to be properly performed to ensure Hong Kong people can keep their mental condition in good shape and are capable of coping with their life, social activities, families and other activities. In doing so, not only can the quality of the mental health of Hong Kong people be improved, public demand for psychiatric treatment

services can also be reduced. This will prevent the occurrence of manpower shortage and insufficient time allowed for consultations.

Given such circumstances, we propose to review the existing mental health policy. In reviewing the policy, whether with respect to resource deployment or provision of new resources, we hope the authorities can attach importance to preventive services and education initiatives with respect to mental health, instead of merely emphasizing treatment and rehabilitation. Furthermore, the authorities should regularly examine and explore mental health objectives by most preferably establishing new objectives and, in the light of the relevant data, make appropriate adjustments to the mental health policy to ensure the mental health services provided meet the requirements of society, instead of merely focusing on treated patients or recovered patients.

On the policy review, attention has to be paid to the psychiatric care services provided for patients who have been switched from hospitals to the community, reinforcing the training of health care personnel and deployment of resources in the community, enhancing the functions of community psychiatric health care teams, making optimal use of the expertise of health care personnel, providing primary community health services in such areas as prevention, education, assessment, and so on, to cause the public to pay proper attention to primary health need.

When it comes to this matter, I cannot but mention community services. The Government is at present committed to enabling more psychiatric patients to receive treatment and rehabilitation at the community level. While this is an ideal move, it seems that it is impossible to complement the move in terms of resources and manpower, judging from the changes in the form of service provision. Why would I say something like this? There are approximately 110 psychiatric community nurses in the territory. As pointed out by Dr Fernando CHEUNG earlier, the Government has apparently never informed us of the number of psychiatric patients territory-wide. Given the fact that there are only 110 psychiatric outreach nurses in Hong Kong, how can they handle so many patients?

According to the figures provided in Britain, there should be one psychiatric community nurse for every 12 000 people. Yet, the number of psychiatric nurses is so small in Hong Kong. How can they cope with the demand? We may take a look at the relevant breakdown figures. There are 12

psychiatric community nurses in Hong Kong Island East, seven in Hong Kong Island West, eight in Kowloon Central, 10 in Kowloon East, 31 in Kowloon West, 18 in New Territories East and 24 in New Territories West. These nurses have to take care of so many psychiatric patients in the community. Can they really cope with all the patients, be they ex-mental patients or patients requiring extended treatment? This example aptly illustrates the acute shortage of manpower experienced by psychiatric community nurses.

Furthermore, according to the existing legislation relating to mental health, psychiatric community nurses have no authority to enter domestic premises. They have to seek assistance from social workers or policemen if they are to tackle or handle unexpected violent incidents involving psychiatric patients, thus greatly reducing their capability of assisting patients in rehabilitating, or even treating patients at the community level. Of course, the duties of psychiatric community nurses are not merely confined to treating patients in the community. They may also conduct basic psychiatric assessments, and undertake follow-up work and health education. At the same time, they may also handle the crises arising between psychiatric patients and their family members. This is obviously helpful to relieving the community pressure confronting psychiatric patients and their family members and integrating them into the community. Of course, they will also conduct some basic mental health education programmes to enable people in the community to pay proper attention to the importance of mental health. Hence, they are not merely responsible for treatment. Unfortunately, there is a shortage of psychiatric community nurses in the territory. How can they cope with the situation?

As regards community services, although the Government indicates that, in addition to the provision of psychiatric community nurses throughout the territory, each Cluster has also set up a Community Psychiatric Team, also known as CPT, as has been mentioned by Dr Fernando CHEUNG, the functions of the CPTs have apparently not been fully performed. We therefore propose that the CPTs be upgraded to community psychiatric health care teams comprising psychiatric doctors, psychiatric community nurses, clinical psychologists, occupational therapists, social workers, and so on, to help the community pay more proper attention to the problem of mental health. Why? Because community psychiatric health care teams possess the expertise required to conduct health assessments and preventive work and enable early detection of mental health problems. Early positive intervention in the conditions of

patients, review and the conditions of the patients' family members can also be made to help the patients restore mental health and develop in a normal manner. Compared with family doctors, I believe community psychiatric health care teams and psychiatric community nurses can do an even better and more comprehensive job in conducting psychological assessments for individual families, thus making the mental health conditions of the community better.

For instance, psychiatric health care teams and psychiatric community nurses may, through tracking cases, conduct early assessments for family members with hereditary diseases or psychiatric illnesses to reduce their risks of morbidity and enable them to receive appropriate treatment early. Such preventive and follow-up work can make the life and spirits of the patients more stable.

In fact, mental health policy must render support to psychiatric health care teams and psychiatric community nurses to enable them to achieve their objective of holistic health care and all-round development. Only in doing so can the general public gain a better understanding, through psychiatric health care teams, of the importance of mental health and pay proper attention to it, thus enhancing preventive work and greatly minimizing the psychiatric patients' chances of relapse.

Madam President, I hope the Government can, in addition to taking account of the treatment and rehabilitation work mentioned earlier, also pay attention to preventive work in reviewing its mental health policy.

I so submit.

MR TAM YIU-CHUNG (in Cantonese): President, the modern "health" concept emphasizes physical health and, more importantly, psychological and mental health. The state of mental health of the elderly in Hong Kong is one of the key concerns of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB).

With the passage of time and constant physiological changes, coupled with changes in living in various aspects, the need for adaptation to retirement life and so on, elderly people have to bear enormous psychological pressure. Some elderly people might suffer from elderly psychiatric illnesses of various degrees,

with depression being the most common, if they experience psychological or adaptation problems and fail to receive proper counselling or treatment. Elderly people suffering from the most serious depression might even commit suicide. The Government stated, in a study conducted as early as 1994, that five categories of elderly people demonstrated a higher tendency towards suicide, one of which being patients of serious depression. It has been estimated by psychogeriatricians that approximately 30% of the 860 000 elderly people in the territory suffer from mental illnesses of different degrees, with quite a number of them being suicidal. A local study by Prof CHIU Fung-kum has also revealed that 49% of the 55 elderly patients who have attempted suicide and treated afterwards suffer from emotional disorders. Therefore, only through paying attention to the health conditions of elderly people and assisting them in sustained recovery can we effectively prevent the problem of elderly suicide from deteriorating.

At present, the provision of psychogeriatric services is not confined merely to hospitals. More importantly, the services should be extended to the community through outreach services, group consultations among Clusters and the provision of emergency group consultation services under urgent circumstances. According to the information provided by Dr Edwin YU, the psychogeriatric outreach team should comprise professionals from various fields, including psychogeriatricians, nurses, clinical psychologists, health care social workers, physiotherapists and occupational therapists before multi-level and patient-oriented assessments, treatment and rehabilitation services can be provided. The handling of an outreach case starts with a mental assessment by a psychogeriatrician to determine if the elderly patient is suffering from depression or other psychogeriatric illnesses. If necessary, the psychogeriatrician may consider referring the patient to psychiatric wards for observation or drug treatment. On the other hand, a psychologist will offer psychological and behavioural counselling and treatment to the patient to enable him to see clearly the crux of the problem, stimulate their will and stamina, and rekindle their hope. During the course of recovery, the physiotherapist and occupational therapist will give the elderly proper functional training to enable them to take care of themselves. After the elderly has been discharged, community psychiatric nurses have to make regular visits to the elderly, assess his adaptability and teach his family members effective general knowledge of home care. It is thus evident that mental health treatment and services are closely interrelated. Hence, each component must be given adequate resources.

Otherwise, inadequacies in any of the components will affect the effectiveness of the overall policy.

However, with the constant increase in the elderly population in recent years, the Government's corresponding mental health services have failed to keep pace with the needs of society. While the numbers of psychogeriatric doctors and nurses have seen no real increases for years, the number of consultations has increased rapidly. For instance, the number of new cases last year saw a 20% increase over the year 2000. The psychogeriatric outreach service has to continue to grow at a rate of 7% annually. The psychiatric centre of Kwai Chung Hospital has to handle 400 to 600 patients daily. However, not only has the HA failed to increase resources but, on the contrary, some services have been slashed. For instance, 100 hospital beds in Kwai Chung Hospital were slashed in the middle of last year. There is also a plan to further slash 100 hospital beds this year. This has led to a drain of experienced doctors in the Hospital one after another, making it difficult for the succession problem to be resolved. Given the prevalence of inadequate resources, the New Territories East Cluster even has to suspend the provision of emergency psychiatric radio-call service on weekends to avoid further impacting on the work of its own psychiatric service. Therefore, as a task of top priority, the Government must provide additional resources in a comprehensive manner. Otherwise, inadequate services may result in patients being trapped in the community. Even if they are merely suffering from minor depression, their condition may slowly deteriorate, and rescue will become too late by then.

In 2001, the World Health Organization put forth 10 proposals with respect to the mental health services provided throughout the world. One of the proposals was to enhance training for designated persons, including professionals and non-professionals. To ameliorate the mental health problem experienced by the elderly, it is most important that early prevention be taken. However, the front-line personnel who have the most frequent contact with the elderly, including social workers, doctors, nurses, employees of aged homes, and so on, lack relevant training. It is revealed in a survey conducted by the Association for the Promotion of Elderly Rights that more than 90% of the front-line staff indicate that they lack adequate training and skills to help emotionally disturbed elderly people and are thus unable to prevent the occurrence of tragedies. For instance, some elderly people in hospitals will allow their emotional depression to translate into bodily problems, such as headache, insomnia, and so on. If health care personnel have a poor understanding of the potential symptoms, they might not be able to detect the problems. Recently, I found that the Faculty of

Medicine of The Chinese University of Hong Kong (*the buzzer sounded*).....Thank you, President.

MS AUDREY EU (in Cantonese): First of all, President, I am most grateful to the three Honourable colleagues, namely Dr KWOK Ka-ki, Dr Fernando CHEUNG and Dr Joseph LEE, for proposing the motion and amendments to enable us to discuss the issue of mental health today.

In essence, Dr KWOK Ka-ki points out in his original motion that we have to cause the public to pay proper attention to mental health, enhance public education on mental health and reduce social discrimination against mental patients and ex-mental patients.

I am also most grateful to Dr Joseph LEE for providing a definition for mental health. He has specially mentioned the importance of prevention too. In my opinion, President, this is of immediate concern to every Member of this Council. Dr Joseph LEE has also mentioned in particular how our essential needs should be met and our momentum and resilience maintained. President, I think every Member of this Council should pay full attention to the issue of mental health.

Actually, mental health is particularly important to Hong Kong people. In a report I read last year, it was pointed out that one in every five Hong Kong people was emotionally disturbed. However, due to limited public understanding of mood disorders, patients, as well as their family members, had very often failed to notice the onset of their emotional disorders in thinking that emotional disturbance was merely occasionally caused by life stress or a hectic schedule during a certain period. Hence, the patients ended up missing the chances for diagnosis or treatment. There are certainly many who mistake emotional disorders for mental illnesses by thinking that certain people are physically or mentally vulnerable and are thus unable to cope with their needs in living.

In recent years, Hong Kong has actually been plagued by a number of problems ranging from socially withdrawn youths, pathological gamblers, and the suicide of elderly people as mentioned by Mr TAM Yiu-chung earlier to the surge of domestic violence cases, a matter of concern to us recently. To a certain extent, these problems originate from mismanagement of emotions and the failure of the family members of patients to pay attention to the problems.

For instance, we have from time to time learned the occurrence of many family tragedies in Tin Shui Wai, with 65% of the parents in the district saying that their stress index has reached 97.47. According to the American standard, this is absolutely beyond the alert level. Actually, a person should receive diagnosis and professional counselling when his stress index reaches 90. This explains why we noted during the oral question time that child abuse cases are particularly serious in certain districts.

In my opinion, this is, to a very large extent, related to the living habits of Hong Kong people. All wage earners in Hong Kong work long hours. It was pointed out in a report I read last year that the weekly working hours of wage earners in Hong Kong were 30% higher than the world's standard. This would pose a serious threat to our mental health. The Government should indeed enhance public education to enable the general public to pay proper attention to their state of mental health and seek early treatment to prevent the occurrence of tragedies. At the district level, co-operation between the rehabilitation sector, health care sector and local organizations should be enhanced, promotion of mental health education should be stepped up, and the public should be taught ways to identify mental illnesses promptly and seek treatment. Furthermore, school children should develop an early awareness of the importance of mental health through formal education. Of course, it is also essential for the Government to promote social integration, strengthen support for mental patients and their family members, and provide essential support services to ex-mental patients to enable them to integrate into society.

As regards deployment of resources, it is indeed necessary for additional manpower to be provided for psychiatric treatment. At present, there are 258 psychiatrists in total. Last year, however, they were required to handle up to 600 000 cases. As mentioned by a number of colleagues earlier, the waiting time for new cases is more than a year, with the duration of a follow-up consultation shortened to a mere five to 10 minutes. A community psychiatric nurse responsible for late support has to take care of 70 to 80 patients on average. Under such circumstances, it is simply impossible for mental patients to receive care.

On the other hand, the Government should promote co-operation across professions by setting up a special team because the mental health of an individual is closely related to his family, work, career, personality, and so on. It is thus necessary to liaise with such personnel as family doctors, clinical

psychologists, psychiatrists and social workers to provide patients with emotional support in various areas.

At the same time, the Government should pay attention to the difference between age groups and occupations in terms of their mental health needs so that prevention, treatment and rehabilitation services can be designed in such a way to cope with the needs. For instance, young people are often resistant to examinations conducted at psychiatric clinics. Therefore, it may be necessary for out-reaching services to be enhanced by launching regular educational activities at Youth Integrated Services Centres, regional outreach teams, primary schools or secondary schools for the purpose of evaluating young people at risk and identifying people requiring follow-up actions early.

I suppose Members will all agree that the expression "prevention is better than cure" is trite. In handling the issue of mental health in particular, the Government has to, besides promoting public education, allocate more resources because only in doing so can the Government show that it addresses mental health squarely and the public be enabled to understand that the problem, which is quite common, is not caused by the failure of an individual to deal with his own problems. Instead, it represents the needs of society as a whole.

With these remarks, President, I support the original motion and all the amendments. Thank you.

MRS SOPHIE LEUNG (in Cantonese): Madam President, the question we are discussing today is most appropriate, for it applies to both Hong Kong and the rest of the world. The situation in Hong Kong is especially unique. After three decades of uninterrupted economic take-off, our personal capacity against adversity has to be updated as well. Hence, even mental illnesses have become more and more diverse.

According to the figures provided by the Hospital Authority (HA), since the year 1998-1999, the number of consultations at the psychiatric out-patient service has surged more than 50% in seven years and broken through 600 000 in 2005-2006. During the past five years, the New Territories East Cluster recorded an increase of 50% in the total number of consultations, which was the highest among all of the seven Clusters. On the other hand, the total number of consultations in the Kowloon East Cluster covering Kwai Tsing has always been the highest among all Clusters.

There is at present a total of 258 psychiatrists in Hong Kong. Faced with an attendance rate of more than 600 000, the annual treatment rate of each doctor is 2 350 on average. Their work schedule is certainly very tight, for they have to attend to other hospitalized patients as well. According to the figures provided by the HA, a consultation for old cases lasts merely five to 10 minutes, while that for new cases lasts only 45 minutes to one hour. For the purpose of determining the duration of waiting times, patients will be classified as "urgent", "semi-urgent" and "non-urgent" and be required to wait two weeks, eight weeks and even 160 weeks which are equivalent to three years and four months, accordingly for seeking consultation. Such a long period is absolutely unsatisfactory. Very often, ordinary people would exercise their wisdom to mobilize some volunteers to visit patients in aged homes and listen to them more, especially when some patients are found to be emotionally imbalanced. Even if the patients repeat the same words every week, the visits will still be immensely helpful to their mental development. This will rid a small fraction of the patients of pent-up depression, thus obviating their need to seek medical treatment in future.

It has been reported by the media that at least nine experienced psychiatrists have resigned in recent months, thus increasing the pressure on other doctors. Furthermore, a number of front-line health care workers have asked for transfer due to excessive stress. I hope to seek a solution here in the hope that these professionals can, from the angle of team spirit, upgrade their mutual support to reduce stress as far as possible. In terms of numbers, we certainly do not hope to see the emergence of an exodus of psychiatrists leaving the public sector. We also hope that the authorities can review the working environment and deployment of resources to reduce work stress on front-line health care personnel and retain talents by all means.

Madam President, we absolutely agree that it is now time to conduct a comprehensive review of the mental health policy in Hong Kong. Although it is pointed out in a report, named Mental Health Atlas 2005, compiled by the World Health Organization that Hong Kong does measure up to such places as the United States, Australia, Japan and Singapore in terms of the numbers of hospital beds, psychiatric nurses and social workers, I would like to point out here that, Madam President, it is absolutely necessary for the objectives and goals of social workers to be updated albeit their number has surpassed that of other places. I also hope that careful studies can be conducted in this area, and more assessments and studies be carried out. Relatively speaking, the number of psychiatrists in Hong Kong is the lowest among the five places, with only two

psychiatrists for every 100 000 people on average. The number of psychologists in Hong Kong, at a ratio of 1.4 psychologists to 100 000 people, is only slightly higher than that in Singapore.

Subsequent to the pact suicide incident in Tin Shui Wai, the Health, Welfare and Food Bureau swiftly set up a Working Group on Mental Health Services, and it is now almost five months since then. I hope the Working Group can conduct a comprehensive review of the mental health services and policy in Hong Kong and publish the findings of the study as early as possible. I hope the Government will not assume all the responsibilities because it will never know what goes wrong even if it works itself to exhaustion. In my opinion, social workers and psychiatric nurses should put forward more suggestions in their respective fields. Furthermore, more policies can be considered as to whether it is necessary to set up a new funding mechanism to cope with the enormous demand of the public for mental health services.

Madam President, it has been pointed out by some professors on psychiatry that long-term hospitalization is not helpful to patients. "Walking on two legs", that is, short-term hospitalized treatment complemented by community rehabilitation, is the major direction for mental health services in the future. In the early '90s, I followed this direction when I was appointed by the HA as Chairman of the Castle Peak Hospital to lead the conversion of the Hospital. This explains why the converted Castle Peak Hospital is following the same direction in its provision of services generally. As the key to success in community rehabilitation lies in whether resource deployment should be realigned to enhance such complementary measures as community health care, family support, visit teams, and so on, more consideration should be given by social workers themselves to these issues. The Liberal Party also agrees that the HA might as well adopt a different approach by strengthening training for family doctors in the community to enable them to help deal with patients with minor mental illnesses, thereby reducing the stress borne by the public sector health care system.

In my opinion, people suffering from many other illnesses, such as anorexia and senile dementia, can recover only after receiving a variety of treatments. Coupled with the fact that life in Hong Kong as a city is extremely busy, our demand for mental health services will only increase for still quite some time to come.

Madam President, I so submit.

MR ALBERT CHENG (in Cantonese): President, I am very pleased that such a meaningful motion debate is being conducted here today. Both ex-mental patients and mental patients are the most vulnerable groups in society. It is evident from the words of Mrs Sophie LEUNG, an insider, that the resources committed by the Government to this area are far from adequate. There is no need for Members to discuss this further.

President, it is certainly vitally important for treatment to be provided to mental patients. A person who has fallen sick must first receive treatment. However, after a mental patient has been treated, it is even more important for us to consider ways to assist him in re-entering society. He cannot be left unattended after recovery.

According to a feature story on psychiatric patients in the *South China Morning Post (SCMP)* on Monday, ex-mental patients find it extremely difficult to re-enter society to work. Even if they make it, they are usually paid poorly. President, the report can be summarized as follows: The Society for Community Organization, which has been helping these people, finds that welfare groups are like fighting a battle in campaigning for reasonable wages for ex-mental patients. Very often, they manage to secure job opportunities for ex-mental patients merely through bidding for outsourced work. As Members are all aware, under the tendering system, contracts are awarded to the lowest bidders. Hence, the wages of workers will naturally be suppressed. For instance, a bus terminal cleansing worker is paid a mere \$12 hourly. How can such shameful wages help ex-mental patients re-enter society to lead a new life, upgrade their living quality and recover? On the contrary, their enthusiasm in working is dampened by the reality. Furthermore, even if they manage to find a better-paid job, the Government will do some calculations and slash the amount of Comprehensive Social Security Assistance given to them.

Of the several ex-mental patients interviewed by the *SCMP* journalist, one was employed with the assistance of a voluntary organization as a cleansing worker at bus stations. He recalled that 10 years ago, he was paid \$96 daily for working eight hours a day — he was referring to 10 years ago. If calculated on the basis of a daily rate of \$96 for working eight hours, the hourly rate is \$12. What about now? Ten years on, he is still working the same job. President, his present situation is not bad, for he has got a pay rise of 20 cents per hour. Now, he is working nine hours a day for \$110. Dividing \$110 by nine hours, it

would mean an hourly rate of \$12.2. Compared to the situation a decade ago, his job remains the same but his working hours are now longer and he is paid 20 cents more for each hour. It can be said that he has been treated quite kindly. The bus company will say that this is fully consistent with the labour policy.

According to this worker, however, for the sake of pleasing clients to win the cleansing contract, his employer has laid down some extremely harsh conditions requiring the employees to seek prior approval before going to the washroom or going to nearby supermarkets for shopping. Last month, this ex-mental patient could not stand anymore and finally quitted his job because of its influence on his emotions. I heard some colleagues say earlier — probably Dr Fernando CHEUNG — that because of long-term exposure to detergent, someone had contracted an occupational disease and felt frustrated and emotionally disturbed. Furthermore, the CSSA of \$3,200 received by him monthly would be slashed because of his income. In other words, even though he works harder, he does not get more. Neither did he want to work in a sheltered workshop — I would like Honourable colleagues to give some thoughts to this. Sheltered workshops were mentioned by a colleague earlier. Why? Because the pay offered in sheltered workshops is even lower, for it can get as low as \$14 a day.

Another 49-year-old ex-mental patient also voiced his grievances to the *SCMP* journalist that, before suffering from depression, he had earned \$20,000 monthly but after he fell ill — he has indeed recovered after being treated by the HA — he could only secure a job in a sheltered workshop and earned \$14 daily. I believe one's illness will only exacerbate if one who used to earn \$20,000 a month fails to find a job after re-entering society, so to speak, and is arranged to work in a sheltered workshop to earn \$14 daily. He said that he did not mean to look down upon his co-workers, that is, patients and mentally retarded persons, but he really could not communicate with them. Working in the sheltered workshop aggravated his conditions.

President, I find this very easy to understand because it is a mismatch to put an ex-mental patient — an ex-mental patient is the same as any other ordinary person. He is arranged to work in a sheltered workshop because he cannot find a job. However, a sheltered workshop is supposedly a workplace for mentally handicapped persons. To arrange an ex-mental patient to work with mentally handicapped persons is definitely a mismatch. The mental state of the ex-mental patient will therefore worsen.

This ex-mental patient has once worked in a company which is willing to hire a small number of ex-mental patients. Unfortunately, he found it hard to bear that his colleagues were discriminatory against ex-mental patients. There were also two other ex-mental patients who attempted suicide because of their failure to find a job. This demonstrates the importance of job opportunities to the recovery of ex-mental patients. However, today we have to ask: What has the Government done to help these people?

Therefore, I fully support the original motion and amendments proposed in today's motion debate — especially Dr Fernando CHEUNG's amendment. Besides providing additional resources to offer medical services to mental patients to treat them properly, it is vitally important that they should not be left unattended after treatment. Most importantly, the Government has to inject resources to help them re-enter society after recovery, and this is the focus of the motion debate today.

I so submit. Thank you, President.

MS EMILY LAU (in Cantonese): President, I rise to speak in support of Dr KWOK Ka-ki's motion and the respective amendments of Dr Joseph LEE and Dr Fernando CHEUNG.

I very much agree with Mr Albert CHENG that our society seems to be treating mental patients as outcasts. If we want to find out whether a certain society is really civilized, we should not make any judgement based on the number of skyscrapers and the abundance or otherwise of advanced products such as computers and mobile telephones. Rather, we should check whether that particular society shows any love and concern, especially in caring for the most vulnerable of its members.

President, some 20 years ago, I worked for the Television Broadcasts Limited as a reporter. We once produced a special documentary on mental diseases. The shooting was done on location in Castle Peak Hospital, and we also interviewed the head of the hospital. Today, 20 years on, I believe, and I also hope (because I have not been to Castle Peak Hospital for a very long time), that the conditions there have improved. President, I remember that at that time, there was no space separating the beds there. There were no table and cabinet beside a patient's bed, so everything must be put outside the ward.

However, on 15 April 2005, when I visited Kwai Chung Hospital (I can remember mentioning in a motion debate that it was a visit by Justices of Peace), I saw that although the place was not horrible to the extent of having faeces all over the place as described by Dr Fernando CHEUNG in one of his motions, the conditions there were really very bad. We even saw that all the patients were just sitting there doing nothing in broad daylight. They were doing nothing, President. We all hoped that they could recover, but they were sitting there doing nothing, except perhaps reading some newspapers. The walls of the ward were also in need of painting, and many things were in short supply.

President, I must thank Dr Joseph LEE for showing me a document just now. The document is about a roadmap for mental health strategic planning formulated by the Medical Services Development Committee under the HA. He mentioned many figures just now. He said that the active cases handled by the specialist clinics under the HA had increased by as much as 44%, from some 89 000 cases in 2001 to some 130 000 cases in 2005-2006. However, President, the number of beds has been dropping, from some 5 300 in 2001 to just about 4 600 in 2005-2006. Why? He said that with fewer beds, patients would stay in hospital for shorter periods. In this way, patients can be driven away. And, drugs and community care can be used to solve the problem.

This document is not very long and I have already finished reading it. The question of money, however, is not mentioned in it. It attempts to tackle the problem even without mentioning the question of money, and there is even a roadmap. We are now talking about universal suffrage, and we are also talking about a roadmap. This does not involve the use of any money, but we must consider whether we have the power to fight for what we want from the Central Authorities. But what we are talking about now must involve the spending of money. I really cannot understand it. The Secretary must know which document I am referring to. He may give a reply later. He also mentioned Kwai Chung Hospital, expressing the hope that it could be further developed into a hospital with modern facilities. President, obviously, it is not at all modern now.

Members have expressed many opinions, and I share their feelings, especially because the Treasury is now flooded by cash. The Secretary may say that this is not quite the case because everything has already been finalized in the Budget. But I think the Legislative Council can still fight for many things for all those patients whom it so strongly supports.

President, let us look back at 2 November 2005. Just now, Dr Fernando CHEUNG mentioned a question he raised at that time. President, the question was about the long waiting period of three years for some patients. How did the Secretary answer the question on that day? He explained that patients were divided into several categories, adding that the conditions of some were urgent, and in such cases, consultation could be arranged within two weeks. Others, he went on to say, would have to wait eight weeks because their conditions were less urgent. For those whose conditions were not urgent, he said, the waiting period would be as long as three years. He then went on to describe to Members cases that were not deemed urgent. He said that chronic insomnia and anxieties resulting from work and financial problems were examples of non-urgent cases. He explained that if a patient was diagnosed as not showing any suicidal tendency after assessment, he would be required to wait a longer time, meaning that only patients with suicidal tendency would receive treatment. He added that longer waiting periods for patients might sometimes help, because they could switch to private practitioners. President, he disclosed that 18% of new patients had not shown up for consultation. President, what should we do? Given the existing financial and material resources of Hong Kong, I do not think that it is at all acceptable for us to stick to the current system, requiring patients aged between 18 and 64 to wait three years, that is, 162 weeks, and those aged 65 or above to wait 141 weeks.

Also, I support the establishment of a mental health council as proposed by Dr Fernando CHEUNG. I can remember that in the report submitted by the Equal Opportunities Commission (EOC) to the United Nations Committee on Economic, Social and Cultural Rights (which Ms Audrey EU also mentioned just now) in April 2005, it was mentioned that mental diseases might affect one fifth of the population. Therefore, we must address these problems seriously. But how can we make the services a success? To this end, we must make sure that our health care services are effective and widely accepted by the public. Besides, effective drugs, various forms of assistance, legal services and occupational and rehabilitation services are also required. They have also pointed out that psychiatric services in Hong Kong are fragmented, with no co-ordination. But in his reply on 28 June, the Secretary said that it was not necessary to do anything more because the Government was already in charge of co-ordination. President, what is even more ridiculous is that he said that the EOC had accepted it already. You now know who the EOC Chairman is, right? I have actually said that he simply regards the EOC as non-existent. He said that people could do anything they wanted, and a simple review would do.

Everything has now been brought to light. I do not think that the situation is at all satisfactory. Therefore, I will support the motion and amendments proposed by the three Members.

MR LI KWOK-YING (in Cantonese): Madam President, people used to have all sorts of erroneous ideas about mental diseases, and whenever such diseases were mentioned, they would immediately associate them with craziness and insanity. People used to think that mental patients were all demented fellows, dull and odd. Very often, people would look at mental patients with a discriminatory eye, showing a strong bias against them. However, as people's understanding of mental diseases increases, an opposite but rather interesting phenomenon has emerged — everybody thinks that they themselves are a bit eccentric.

Actually, all of us living in a modern-day society inevitably face the pressure exerted by a fast tempo of life and fierce competition, which results in various kinds of frustrations. For this reason, Bus Uncle's remark — "You're under pressure, but I'm under pressure too" — has become a popular catch-phrase¹. However, many people also think that this catch-phrase is a reflection of Hong Kong people's true feelings, showing that they have come to be affected by various mental problems as a result of their poor stress management.

According to the statistics of the HA, there are more than 20 000 new cases a year in its specialist psychiatric clinics, and the number of follow-up consultations is more than 500 000. All these figures have actually been rising incessantly in recent years. But our greatest worry is that many people's understanding of mental diseases is not yet good enough. They often overlook their mental health, thinking that continuous dejection, insomnia and depression are just minor problems. Some are even reluctant to seek medical treatment although they know clearly that they are suffering from mental problems. This has led to large numbers of "hidden mental patients" in society.

¹ The Bus Uncle was one of the protagonists of a dramatic incident that took place on board a public bus in Hong Kong on 26 April 2006. On this very day, while the Bus Uncle was talking loudly over his cell phone on the bus, a young man aged 23 sitting behind him tapped him on the back, advising him to speak more softly. This sent the middle-aged Bus Uncle into an outrage, and he immediately showered words of profanity on the young man. "You're under pressure, but I am under pressure too" was one of his angry remarks that immediately became a popular catch-phrase in society after the video clip shot by a teenage onlooker had been loaded onto YouTube. The incident subsequently attracted the attention of local and overseas media and triggered huge reverberations in society. It was also analysed from a sociological perspective, as representative of Hong Kong people's emotive outbursts after long years of pressure and frustrations.

Madam President, mental health is a common concern of the international community. In 2001, the World Health Organization (WHO) convened an international conference on mental health, during which 10 recommendations were put forward. I think some of these should merit the SAR Government's consideration.

First, adequate primary medical services must be provided. This will involve the training of primary health care doctors. The DAB maintains that while the Government actively promotes the system of family doctors, it must also provide family doctors with adequate psychiatric training, so that they can make correct and early diagnosis of mental diseases for follow-up treatment. Besides, family doctors may also follow up the conditions of ex-mental patients and assist them in returning to normal community life.

Second, at the level of treatment, the WHO is of the view that hospitalization is not the only option. A more effective alternative is to provide multi-disciplinary treatment at the community level, so that patients can slowly recover in their familiar living environment. To implement treatment at the community level, there must be adequate ancillary facilities. But in Hong Kong, there is an especially acute shortage of in-patient places for mental patients. Patients must wait years for their turns, so the situation is indeed most unsatisfactory. There is also a shortage of psychiatric community nurses, which has made it difficult to expand outreach services. The Government must strive to alleviate all these problems.

The third point is about the supply of drugs. Although the situation in Hong Kong is not so bad that no drugs can be prescribed to psychiatric patients, it must still be pointed out that the old generation of psychiatric drugs all have very great side-effects that affect the daily life of patients. The new generation of psychiatric drugs cause fewer side-effects, but due to high costs, they can only be prescribed in the public health care sector on a limited scale. This problem has existed for a very long time, but the HA has been unable to prescribe the best drugs to psychiatric patients due to resource constraints. Since government finances have improved, the DAB maintains that it must not delay the full introduction of new psychiatric drugs any further by resorting to any excuses.

Drugs aside, the concern of patients' families and friends as well as social acceptance are also a panacea for mental patients. But the social misunderstanding of mental diseases has not yet been totally eradicated and the social support for psychiatric patients and the families of ex-mental patients is at

the same time inadequate. And, there is also a shortage of opportunities to enable ex-mental patients with working ability to make fresh contribution to society. The Baptist University conducted a questionnaire survey among 4 600 registered companies in Hong Kong in 2004. Totally 87 responses were received. As revealed by the findings, only 26 companies said that they had once employed people with disabilities, and half of these people were persons with physical disabilities. Besides, persons with mental disabilities were employed by eight companies. And, only four companies employed ex-mental patients. The situation was highly unsatisfactory.

Although the Government has put in place a policy on employing ex-mental patients, the number of posts available is very small after all. What is more, the employment of the disadvantaged is not stated as a requirement in the Government's outsourcing contracts. Consequently, many ex-mental patients who have the ability to work are unable to re-enter the labour market.

Many social enterprises established by various voluntary agencies have already been providing job-seeking assistance to ex-mental patients and other disadvantaged members of society. For this reason, if the Government can formulate a policy and a set of guidelines and then provide some preferential treatment to social enterprises bidding for government contracts, the number of ex-mental patients succeeding in getting jobs again will certainly increase greatly. The Government should also join hands with commercial organizations to provide vacancies for ex-mental patients in different enterprises.

In regard to research and statistics, the Government should include mental health in the surveillance network of basic health statistics. And, mental health studies based on districts, age groups, sexes and occupations should be conducted, with a view to formulating appropriate policies on enhancing mental health education.

Madam President, unlike food safety and the outbreaks of infectious diseases, mental health has not attracted any widespread social concern recently. But mental diseases may affect our friends at any time. The WHO has warned that the social burden resulting from mental diseases will increase continuously. The DAB hopes that the SAR Government can be equally concerned about people's mental health while paying attention to the risks of epidemic outbreaks.

Madam President, I so submit.

DR YEUNG SUM (in Cantonese): Madam President, we are very grateful to Dr KWOK Ka-ki for proposing this motion to enable all political parties and groupings to express concern about this emerging social problem and to urge the Government to conduct a review on its mental health policy or services.

Madam President, as society develops, mental diseases have become increasingly common in Hong Kong, and there is already a very large number of patients suffering various mental health problems. According to the Special Topics Enquiry on Persons with Disabilities and Chronic Patients conducted by the Census and Statistics Department in 2000, there were then 50 500 mental patients in Hong Kong. And, in 2002, there were roughly 96 005 ex-mental patients. Besides, in 2003-2004, totally 770 000 people in Hong Kong were battered by various mood disorders.

Madam President, precisely because a huge number of people are battered by mental health problems and the number may continue to rise in the future, we must no longer stick to our past approach of relying mainly on in-patient services as a means of curing patients. Community rehabilitation is now the international trend. The idea is to enable people battered by mental health problems recover and live in the community as much as possible, so that mental patients can participate in social affairs and live a normal life just like normal people.

But how are we going to promote the work on helping people with mental health problems? We should look at this question at two levels. First, we should look at people with mild mental health problems such as mood disorders like mild depression and anxiety disorders. Whether drug treatment is appropriate for these patients is itself a subject of many academic debates, and the answer may vary from case to case, depending on individual patients' unique conditions. According to many research findings, the curative effects of psychological counselling and social services are far more long-lasting than those of drug treatment. And, when compared with those relying solely on drug treatment, patients who also receive psychological counselling will have a lower incidence of relapse. However, there is a severe shortage of such services in Hong Kong. Those who can afford private services aside, not many patients with mood disorders can access any psychological counselling services. Some social service agencies do organize mental health treatment groups and offer certain services. But the services concerned are mostly short-term and fragmented, with very little co-ordination among the various service providers.

There is not even a complete data bank on the agencies and units that provide the services concerned, let alone any co-ordination. To help the several hundred thousand patients with mood disorders, the Secretary should first and foremost increase the resources for improving the existing psychological counselling services.

Another important aspect to helping people with mild mood disorders is to identify patients at an early stage and provide them with timely assistance. But Hong Kong has not made enough efforts in this respect either. Currently, only 1.5% of Hong Kong's population are diagnosed by doctors as depression patients. This rate is far lower than the 9% in Singapore and the range from 8% to 9% in Britain, the United States and Australia. But this does not mean that the number of depression patients in Hong Kong is particularly small. The rate simply shows that due to a lack of knowledge and training, local doctors are unable to detect the symptoms of depression. As a result, most depression patients simply go unnoticed in our society, failing to receive appropriate treatment.

Primary medical care actually plays a very significant role in identifying patients with mood disorders. In the case of Chinese people, mood disorders are often transformed into physical ailments such as headache, fatigue, insomnia and bowel problems. Given sufficient training, general medical practitioners should be able to identify patients with mood disorders and follow up appropriately. It is a pity, however, that less than 10% of all the 6 427 family doctors in Hong Kong have received training on mood disorders. The HA should provide more training on this.

Another level of psychiatric services concerns acute psychiatric patients. Psychiatric treatment services are naturally very important, but the focus of the international trend has shifted from in-patient care to community care and day care. Increasing the manpower for psychiatric services may not necessarily be the most pressing task now. Rather, we should improve our community rehabilitation services and assistance, with a view to lowering the incidence of relapse, preventing any sudden deterioration of patients' conditions and reducing the demand for hospitalization. All this is more in keeping with the concept of community care.

In the name of community care and day care, the Government has been cutting the resources for in-patient services in recent years. However, having

pushed patients into the community, it does not provide them with any reasonable assistance. This is very regrettable. According to a recent survey conducted by the Society for Community Organization, the quality of life of ex-mental patients in old districts is very unsatisfactory. Their quality of life, living conditions, social life, employment and health are all below standards. This very much warrants our concern. The Government should invest more resources in and pay greater attention to rehabilitation services. For example, there is a very long waiting period for ex-mental patients in need of residential care, and the standards of such care also vary greatly.

The Government has recently launched many special projects such as the Early Assessment for Young People with Psychosis and the Elderly Suicide Prevention Programme. These projects can effectively promote co-operation among various professionals to provide better services. I believe that the launching of a project for acute depression patients will be of help to these patients.

Madam President, finally, I wish to mention one more point. Some ex-mental patients may have a relapse and even injure others simply because they cannot receive adequate treatment or community rehabilitation service. However, media reports may cause the public to have all sorts of worries about the possibility of relapse among ex-mental patients. This may affect people's attitude towards and receptiveness to ex-mental patients, leading them to ostracize and discriminate against them.

I therefore hope that apart from reviewing the medical services and policies concerned, the Secretary can also pay heed to public education, with a view to enabling the public to understand that given appropriate treatment, mental patients may not necessarily have a relapse, and that even if they do, they may not always cause harm to others. In this connection, I hope that the authorities can address squarely society's attitude towards mental patients, so as to reduce the discrimination against them and enable them to receive the care they deserve.

Thank you, Madam President.

MR ANDREW CHENG (in Cantonese): Madam President, mental health is a topic of frequent debates in the Legislative Council. It is frequently discussed

in the relevant panel, and universities and various non-governmental organizations also conduct surveys on it from time to time. The growing social concern about mental health is one reason for this. Besides, it also seems that Hong Kong people's mental health is deteriorating. After several recent family tragedies, such as the suicide pact of three ex-mental patients in Tin Shui Wai and other cases in which mental patients murdered their family members or husbands committed suicide after killing their wives, society is inevitably concerned about mental health.

When he recently reported on his work to the Central Authorities, the Chief Executive emphasized, "The economy of Hong Kong is in the best shape in 20 years." And, he even regarded this as his achievement. However, according to the experience of Britain and Japan, economic prosperity does not necessarily mean that the people's mental health is sound. This explains why many countries have attached increasing importance to the happiness index, which reflects their people's mental health. According to a survey on the Happy Planet Index conducted by Britain's New Economics Foundation, Hong Kong people are not at all happy despite their rich and colourful life. Hong Kong only ranks the 88th among all the 176 places surveyed.

The findings of this survey are not surprising because they tally with the survey findings of the Society for Community Organization in Hong Kong. This latter survey shows that 34.8% of the disadvantaged respondents are suffering from acute depression. Symptoms of acute depression are especially common among women, middle-aged people from 35 to 40, housewives and low-income earners. A survey targeted on professionals also reveals that 96.1% of them are battered by work pressure. Of these, 22% find the pressure extremely heavy. As for front-line social workers of non-governmental organizations, symptoms of depression and anxiety disorder are detected. In regard to teachers, over 90% of them complain of excessive work pressure, and 60% also feel lonely.

The unemployed and the poor are unhappy. But well-off professionals with high academic qualifications are also unhappy. In this busy metropolis, many people are in fact battered by anxieties, depression, insecurity and social phobia, that is, mood disorders. As revealed by a survey of the Hong Kong Mood Disorders Centre, the incidence rate of depression among Hong Kong people is 8.3%, meaning that there are roughly 400 000 depression patients. The incidence rate of social phobia is 3.2%, which means that there are about

110 000 such patients. However, 75% of the depression patients and 90% of the social phobia patients have never received any treatment. This is largely due to the fact that Hong Kong has all along underestimated the seriousness of mood disorders. Not much importance has been attached to mood disorders, and since patients do not have enough knowledge of mental health and various mood problems, they are unable to prevent, detect and treat diseases at an early stage, thus leading to deterioration of their conditions and even the need for hospitalization. In the end, psychiatric services are subject to additional pressure, and not only this, a mismatch of resources like manpower also results.

Therefore, the prime concerns of any mental health policy should be the promotion of mental health at the community level as well as the prevention and detection of mood disorders and mental diseases. Apart from providing public education and community assistance, we should also conduct studies on the sources of pressure, lest public policies and administrative measures may become the sources of pressure for employees and the people. For example, the pressure felt by teachers may come from education reforms, the cutting of classes and school closures. And, the pressure on social workers may originate from the system of lump-sum grants. If the Government really treasures the people's mental health, it should try to relieve all these pressures at source.

Madam President, when it comes to patients with deteriorating conditions who need treatment, we all know that there is a long-standing shortage of the required resources and services. This has led to a great problem. In the past five years, the number of consultations at public psychiatric specialist clinics increased by more than 40%, but the resources spent by the Government on treatment and rehabilitation services were reduced year after year, from \$3.25 billion in 2004 to \$3.1 billion in 2006, thus leading to an acute shortage of psychiatrists and psychiatric community nurses. As a result, each consultation can only last five to 10 minutes, and the waiting time is as long as one year. What is more, most patients cannot be prescribed any new drugs for treatment. Under this situation, patients are unable to receive appropriate treatment. Consequently, their conditions will deteriorate, making it difficult for them to recover fully. In some cases, they must even be hospitalized repeatedly.

The allocation of more resources for service improvement will of course help. But it will be a very difficult task to really improve the care received by mental patients. Mental diseases are chronic in nature. Besides in-patient care and drug treatment, a whole series of community rehabilitation services and

other forms of assistance in respect of housing and employment are also required. More importantly, the re-integration of patients into society will also require a living and working environment that accepts them and does not discriminate against them. However, our in-patient treatment services, the different segments of community rehabilitation services and even the continuing support for discharged patients have all along been put under the charge of different departments and professions. Co-ordination is therefore unsatisfactory. For this reason, and also due to inadequate services, many discharged patients are simply abandoned and left alone in the community. Then, when their conditions deteriorate, they will have to be hospitalized again. As for social discrimination, it will render it difficult for these patients to build their social networks and secure any employment, thus further reducing their chances of recovery.

Since psychiatric services must require multi-disciplinary and integrated efforts and the promotion of mental health will involve the pressures felt by the public, the Government must set up a central body for the purpose if it really wants to improve people's mental health. This organization should conduct a comprehensive review of the mental health policy and integrate all multi-disciplinary services rendered by different professions. It should co-ordinate the formulation of relevant policies and the conduct of activities, research and public education for the protection of mental patients' rights.

With these remarks, Madam President, I support the original motion and the amendments.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR LEUNG KWOK-HUNG (in Cantonese): When I first saw the motion topic, "A Comprehensive Review on Mental Health Policy", I was startled, because I thought that it was again about things like "spiritual civilization" and "spiritual pollution".

We know that in many places, some people are always regarded by others as problematic. Our society is far from being satisfactory, but the situation has not become so bad that those not favoured by mainstream opinions are all locked up in mental asylums. The situation is not that worse yet.

I can remember that when I was small, I once watched a film called "One Flew Over the Cuckoo's Nest". It was based on a novel also called *One Flew Over the Cuckoo's Nest*. The theme of the film was about whether or not society had provided the disadvantaged with any resources, and whether it had treated the disadvantaged with tolerance and concern. I can remember that at the end of the film, the inmates of the asylum rose in a riot. One of the rioters was a huge Red Indian, and he left the asylum after destroying everything there. Jack NICOLSON even received the Best Actor Award for his part as a lunatic in the film.

I was deeply moved by the film because it delivered to us the message that it would be a great pity if the powerful ones who possess the resources in society cannot instill in people those values of civilization on respect for all and treasuring people with differences. The physical abilities, races or even intelligence of some in society may be different from those of the rest, but it does not mean that we should allow such inevitable differences, differences that mankind must face, to create any inequalities in our society.

Why are so many people in Hong Kong battered by psychiatric and mental problems? Because Hong Kong is a fiercely competitive society, meaning that he who wins is the victor, and he who loses is a failure. Let us look around to find out what is happening at this very time of economic recovery. In the stock market, he who wins is the victor, and he who loses is the loser. If we also look at the Government's policies, The Link Management's policies, we will notice that "the victors are King and the losers are all bandits". Public assets are privatized to create opportunities of speculation, but those who cannot escape from oppression are all helpless.

I understand that when one wants to know a person, one only needs to find out what that person eats and what kinds of garbage he disposes of. Actually, we can get to know a society in the same way. We only need to find out what its people eat and what kinds of garbage they dispose of. Ours is a society in which large numbers of people are treated as garbage for their failure to meet its standards, that is, the standards set by the rulers, those in power and those capable of making money. Psychiatric and mental patients are thus treated as such garbage. These people are treated as garbage as a result of the avarice and injustice in our society. They should not have been discarded in the refuse collection point; they should have been kept at home to make their contribution. Or, they should still be treasured. They are treated in the same way as how

some useful things are discarded as garbage. Sometimes, people may find that certain things are still eatable and useful, but they still want to discard them like garbage. This is what our society is like.

I think that since we cannot possibly uphold justice and equal opportunities in this society of ours that extols the dominance of the minority as well as the omnipotence of coterie elections and money-making, all our talks about concern for the underprivileged will just be mere sighs of our souls, sighed for conscience' sake.

I hope that the oppressed can refrain from looking down upon themselves. It is only by standing upright on their own feet that they can avoid being victimized by social, political and economic inequalities and being described as having mental health problems. I therefore hope that the Government can expeditiously do something good and formulate a policy that can promote human justice, equality and freedom. This is the only way to build a better environment conducive to the mental health for all those who were born, brought up and educated in Hong Kong.

I can understand the Chinese idiom which says, "After a long while, one no longer smells the stench." As long as selfishness, egoism and ostracism are upheld in our society, as long as "servitude politics" prevail, that is, as long as we listen only to one particular person or the Central Government, instead of the 6 million Hong Kong people, as long as we listen only to the rich, those people capable of making money, The Link Management, the Housing Authority and the Town Planning Board making money for others, we will never succeed in building a paradise of mental health. I therefore hope that our Government can take the lead and act like a good government, so as to improve Hong Kong people's mental health.

MR WONG KWOK-HING (in Cantonese): Madam President, life in Hong Kong is tense and people live in great stress. They may easily develop mental diseases of varying degrees of seriousness. According to estimation, roughly 1 million Hong Kong people now suffer in different degrees from mental diseases. In the past 10 years, there was an incessant increase in the number of mental patients, most of whom being patients with mild mood disorders. It has been reported that the number of mental patients at public hospitals soared by 45% in the past five years, from less than 90 000 in 2000-2001 to 130 000 in 2005-2006.

The New Territories West Cluster saw the highest increase among all Clusters, recording a rise from 65 557 patients in 2000-2001 to 98 389 patients in 2004-2005. The rate of increase is indeed very alarming.

Despite the incessant increase in the number of mental patients seeking treatment, the resources for psychiatric services have still been reduced continuously. The number of psychiatric beds has been reduced from 5 340 to some 4 600. According to estimation, there are some 20 000 new mental patients in Hong Kong every year, but there are only several thousand psychiatric beds. It has recently been disclosed that the number of beds in Kwai Chung Hospital and Castle Peak Hospital will be curtailed. There is already a shortage of beds, but there will still be further reduction. What are the justifications? Last year, media reports claimed that persistent over-admission had led to serious overcrowding in the newly completed Kowloon Psychiatric Observation Unit of Kowloon Hospital, thus necessitating the placement of camp beds along the corridors.

Hospital beds aside, there is also a severe shortage of health care personnel. There are totally 258 psychiatrists in Hong Kong, and the psychiatrist/in-patient ratio is 1:47.3. This means that one psychiatrist must attend to 47.3 patients. As for nurses, the number is 1 944, and the nurse/in-patient ratio is 1:6.3. These figures reflect an acute shortage of psychiatric care personnel, especially psychiatrists. Madam President, patients with conditions diagnosed as non-acute must wait at least one year before they can receive treatment.

I have handled a case in which a worker became mentally sick as a result of occupational injury. In the end, he must wait three years, that is, after he was first diagnosed as mentally sick in late 2006, he must wait until 2008 before he can receive treatment. Diseases should be treated at an early stage, as a Chinese saying goes. But now, patients must wait until their minor problems have turned into serious mental diseases. Given timely treatment, they may not necessarily suffer any mental diseases. But under the present situation, even a person with no health problems may develop an illness and a minor illness may turn into a serious one.

Manpower shortage has affected not only patients but also health care personnel themselves. There was one case in which a worker of Castle Peak Hospital was assaulted by a patient. In this case, a patient stabbed at the eye of

a female hospital worker, causing the detachment of her retina. According to some employees of the hospital, since the Hospital Authority (HA) started to curtail the resources for Castle Peak Hospital last year, the hospital has been plunged into an acute manpower shortage. Had there been sufficient front-line workers, the assault incident might have been pre-empted.

Madam President, besides leading to insufficient hospital beds and manpower, resource shortage has also affected the prescription of drugs to patients. In many cases, patients are not prescribed new drugs, and they are forced to take cheaper alternatives. But cheaper drugs usually produce greater side-effects and may lead to various sequelae. New drugs with fewer side-effects are available, but they are not prescribed to patients because of high prices. And, patients are thus tortured by various after-effects. This is unfair to patients. The HA must increase its resources for psychiatric services, so as to cope with the increasing demands and enable patients to receive appropriate treatment.

Actually, apart from increasing resources, the Government should also seriously consider the formulation of an integrated mental health policy, so as to encourage people to pay attention to their mental health. In recent years, the number of domestic violence cases has been soaring. Many of these cases are caused by mental problems or mood disorders. This, together with the rising number of mental patients as shown by statistics, has certainly sounded the alarm. The authorities must not underestimate the gravity of the problem.

Hong Kong is affluent. But are its people spiritually contented? Last year, the New Economics Foundation of Britain created the Happy Planet Index. According to the findings, while Hong Kong people live longer than people in other places and enjoy the second-longest life expectancy worldwide, their happiness ranking is lower than those of British and Americans. Academics have pointed out that Western countries have been attaching very great importance to such happiness indices in recent years because they can reflect people's mental health. With the aid of quantifiable indicators, a government may formulate corresponding policies to change the situation. Our Government may also consider the adoption of similar happiness indices for reference purposes.

I think the Secretary will be giving us a very wonderful reply if he can start to introduce one such index this year after listening to our debate today.

The reason is that the index will enable Hong Kong people to see how happy they are, and the Government will also be able to formulate the required policies in a timely manner. Actually, the deterioration of mental health problem is an apt reflection of our society's ills and problems. Purely from the medical perspective, this is of course a matter for the HA. But in order to treat our social illnesses, all government departments must put forward relevant policies to support the cause. Therefore, while we ask for more medical personnel, more resources and the formulation of policies, we also hope that the Government can squarely address the existing social problems in Hong Kong.

Thank you, Madam President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese): President, on the issue of mental health, politicians are traditionally regarded as having great mental health problems in many communities. When I think of this Council, I would immediately feel that scenes such as those in Jack NICHOLSON's "One Flew Over The Cuckoo's Nest" could take place in this Council. Some say that, in Hong Kong, if a person is not insane, probably he would not engage in politics. Possibly this Chamber is the most prestigious mental hospital in Hong Kong. If so, we may have to rely on Dr KWOK's diagnosis to decide how many of us need to receive treatment or medication?

President, the mental health issue is related to many aspects of a society. Whenever economic downturns or high unemployment rates emerge, more people would become psychiatric patients; and the problem would be further aggravated by the daily life pressure and financial pressure. One of the discussions in this Council today is on child abuse cases, which are particularly rampant in Yuen Long. Since there are more family tragedies in Yuen Long, there must be more child abuse cases. With more family tragedies and more child abuse cases, there must also be more people plagued by mental health problems. Many psychological studies have already illustrated such a causal relationship.

Hong Kong society is so full of the sense of pressure, including the pressure from politics and human rights issues; financially, the pressure caused

by the monopolization by major consortia; the sense of pressure caused by town planning; those wall-like skyscrapers make the people cannot breathe properly even after they have returned home; the congested living environment also create pressure, one example being the problem of congested households in public housing remaining unsolved after so many years. Although the problem of caged apartments has become less serious now, the pencil design of old buildings and their partitioned room interior design would still constitute very great mental pressure. In order to tackle these problems, the Government certainly must act accordingly by making improvement to such aspects as politics, policies, economy, community facilities and town planning. We must build up a healthy living environment before we can enjoy a healthy way of life. If the people grow under pressure and live under pressure, it could lead to a lot of poor mental health conditions among them.

Today's discussion focuses on conducting a comprehensive review on our mental health policy. With regard to the present mental health situation, I have received a lot of complaints from members of the public, and the majority of them come from districts like Yuen Long, Tin Shui Wai and Tuen Mun, and so on. Very often, in such cases, some family members might suffer from schizophrenia or hallucinations, and so on. These could lead to very serious problems. In one of such cases, a wife alleged that her husband had the tendency of chopping her head off, that is, that husband wanted to chop off the head of his wife. The fear made that lady live in apprehension. Of course, that man is receiving psychiatric treatment now. However, support services and assistance are still not too adequate. Therefore, though that man is receiving treatment, his family members are still living in apprehension.

Besides, we have also received requests for assistance from many people or the family members of psychiatric patients who are receiving treatment. Very often, the patients may have developed some sudden and unexpected conditions; or he may face many problems when receiving treatment, including some sudden changes in the medication. Recently, such cases seem to be on the rise. I would like to ask the Secretary to take a look at the situation of Castle Peak Hospital. I have recently received a number of complaints, saying that Castle Peak Hospital has changed the medicines prescribed. In the past, a patient had always been prescribed several kinds of medicine. But all of a sudden, some other medicines were prescribed either because of medical costs or the costs of medicines. The change made the patient feel uneasy, and his mental conditions had worsened. Although the patient had repeatedly implored

the hospital to revert to the previous medicines, his request was rejected. This may lead to the deterioration of the psychiatric conditions of the patient or even some family tragedies might take place. This could be one of the factors.

Besides, there is also the issue of changing doctors in Castle Peak Hospital. I do not know why this had happened. Were the changes just some routine reshuffles? Or was it because many psychiatrists had resigned suddenly? Some patients had been tended and treated by a certain psychiatrist for a long time, and they could hardly accept the change to another psychiatrist. Sometimes, the patients might even feel that the new psychiatrist had spoken in an insulting or discriminating tone, thus making them disturbed psychologically. All these situations proved to be greatly disturbing to the psychiatric patients now.

Besides, there are also some very trivial issues. One of the issues recently handled by us is the queuing arrangement of patients at Castle Peak Hospital. For example, a patient has to line up if he wishes to seek treatment at Castle Peak Hospital, but the hospital does not operate a chip allotment system. In the process of queuing, one has to stay in the queue, and he is not allowed to leave the queue for the toilet. If you go to the toilet while you are lining up in the queue, you will have to join the end of the queue when you return. Even such simple problems could occur in our existing system, and it really leaves me wondering how many other shortcomings there could be in the entire service system.

Of course, personnel and policy changes could occur in any services, and they could bring about some consequences. However, in the past, our society might be relatively not so concerned about the psychiatric rehabilitation services. For example, in the past we had discussed many problems of other out-patient clinics and the accident and emergency departments of hospitals, so the issue of the rehabilitation of psychiatric patients had been overlooked.

Earlier on, the Secretary had also mentioned to me that the authorities intended to offer one-stop services. For example, the Hospital Authority (HA) may make use of a building in Tin Shui Wai to establish a one-stop medical building that would offer diversified services, including social welfare, medical and rehabilitation services, and so on. In fact, I feel that the Secretary should support the HA's proposal to gradually implement one-stop diversified services in the districts, which should include medical, rehabilitation and community care

services. I believe that, in doing so, the community would be taken care of in a more reasonable and appropriate manner, and psychiatric patients and other relevant patients can receive more urgent support and services. I hope the Secretary can consider the HA's proposal.

Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Dr KWOK Ka-ki, you may now speak on the two amendments. You have up to five minutes.

DR KWOK KA-KI (in Cantonese): President, I would like to extend my sincerest gratitude to Dr Fernando CHEUNG and Dr Joseph LEE for proposing their respective amendments to my motion, and in particular, Dr CHEUNG had mentioned the lack of proper emphasis on mental health on the part of the people.

Earlier on, Honourable colleagues have cited lots of data; and as for me, I feel shameful in telling you that at present the daily medicine cost of many psychiatric patients is only \$2, which is equivalent to one third of the cost of a piece of newspaper. In Hong Kong, only about 20% of the patients have the opportunity to take some new medicines with less side-effects on a trial basis, whereas the corresponding figures are 80% to 90% in European and American countries and 70% in our own country. This really makes us feel very shameful. Some Honourable colleagues have said earlier on that Donald TSANG had told us in this Chamber that our economy was in the best shape right now. I believe, to many psychiatric patients and their families, this is their worst moment. During this period of time, we have the largest number of patients but we have the least resources — even the doctors who have been taking care of them have left one after the other.

Inadequate resources..... In the entire Hong Kong, among young children aged between three and 16, it is estimated that about 10% are suffering from mental illness of varying degrees. If we do the calculation on the basis of the

population of Hong Kong, then 140 000 young children are suffering this sort of illnesses. However, in the entire Hong Kong, there are only less than 10 qualified psychiatrists for treating children; and the allocated funds for meeting the medicine expenses are also inadequate. Each year, the doctors have to make numerous appeals to the Government, so that the HA can allocate funds to them for prescribing new medicines to help patients to control their emotions. In our neighbourhood, for instance, in the Southern District, we used to have a clinic for treating psychotropic drug abusers. However, due to the lack of financial resources, Queen Mary Hospital had to close it down in 2005. Consequently, many young drug abusers and people suffering from mental illness cannot receive treatment. At present, our median age of such persons is still between 18 and 64. In 2004-2005, the longest time a patient has to wait for treatment was three years.

How serious is our shortage of resources? Let us take Britain as an example. At present, Britain has allocated 7.5% of its Gross National Product (GNP) for the overall health care of its people, of which 13% is spent on mental health. In other words, about 1% of the GNP is allocated to taking care of the mental health of its people. In Hong Kong, about 3% of our GDP is allocated for the overall health care of the people, of which 8.6% is spent on mental health. In other words, only 0.25% of our GDP is spent on the mental health of the people. This is a shameful proportion. Our expenditure on this is just one quarter of the proportion of Britain. Let us take a look at the various types of institutions. Let us compare them against the British standards. In Hong Kong, the 24-hour care half-way houses are only one-seventh of the British standard. As for some lower degree support, such as the assistance given to patients for their integration into the community, it is completely absent in Hong Kong; whereas the British standard is 3 360.

In citing so many figures, actually I just wish to point out the fact that the situation of our patients is very miserable. With regard to Dr Fernando CHEUNG's suggestion of setting up a mental health council, it has my full support. As many Honourable colleagues have said, this suggestion was already mentioned in the report of the Equal Opportunities Commission. It is not as simple as just setting up one council. If we can have this council in future, I hope it can take up one important mission, that is, to properly co-ordinate the fragmented psychiatric services and the allocated funds. Regardless of whether the patients require treatment in hospitals, or rehabilitation in the community, or the need to find employment after leaving the

institutions, a comprehensive policy and a centralized organization should be in place to help them, instead of the present situation in which the services are completely fragmented.

Dr Fernando CHEUNG also mentioned the design of closed wards. In fact, we all know that the situation has become increasingly miserable because the HA has adopted a policy of reducing the number of wards. Therefore, regardless of whether the patients belong to the serious, moderate or mild categories, they are now arranged to receive treatment at the same venue. This is most undesirable. Many doctors have mentioned to me that they hope there can be more wards with a triage system, so that patients with different needs can be separated.

With regard to the community rehabilitation policy, including the sheltered workshops, and so on, I think there is also a serious shortage of them in Hong Kong. At present, we do not have any taxation policy on this. Even public organizations of the Government do not have any policy on the employment of these rehabilitated persons. If we completely rely on the private sector in taking forward this cause, then I think we are barking up the wrong tree.

Finally, the point I would like to discuss is support in the community (including community family doctors). Let me cite one example. In Tin Shui Wai, there are only three family doctors who have been trained in this. Why are there only three doctors in this beleaguered district? It is because, be it the HA or the Government, they all adopt a couldn't-care-less attitude in providing support in this regard. Very often, resources in universities are stretched, and such training programmes are very costly and the number of places limited. Sometimes, a doctor may even have difficulties in finding an opportunity of discussion with his colleagues after attending a consultation session with a patient. Such support is simply unavailable. Under such circumstances, what can they do?

With these remarks, I support the amendments proposed by the two Members. Thank you, President.

SECRETARY FOR HEALTH, WELFARE AND FOOD (in Cantonese):
Madam President, first of all, I wish to thank Members for expressing concern about mental health.

The Government has always been striving to promote mental health. Under a multi-pronged approach, we start with preventive public education, in an attempt to educate the public on the importance of mental health and various ways of early detection and intervention. We also provide various channels of assistance and appropriate support, counselling and treatment. In addition, a series of rehabilitation services are provided to ex-mental patients, encouraging them to re-acquire the skills of living, communication and employment required for social re-integration. What is more, the Disability Discrimination Ordinance can also ensure equal opportunities for ex-mental patients.

The deepening understanding of mental health issues and advances in the treatment of mental disorders have resulted in an increasing concern about mental health in the international community, especially in densely populated metropolises marked by fierce competition. Hong Kong is no exception. Actually, in terms of mental health conditions and awareness of the related issues, Hong Kong people do not compare any less favourably with their counterparts in other similar cities. According to a Special Topics Enquiry conducted under the General Household Survey in 2002, more than 60% of the respondents were of the view that their mental health conditions were better than those of other people in the same age group. At the same time, people's awareness of and concern about mental health issues have also increased. More and more people are now able to detect mental problems at an early stage, and they also know how to seek early treatment.

Mental problems are very complex indeed. There are around 10 common types of mental problems, each caused by different factors and calling for different forms of treatment. We may try to understand these problems at broadly three levels.

At the first level are the most acute mental diseases, such as serious schizophrenia and mood disorders, which must be treated by psychiatrists. In some cases, in-patient care and also long-term hospitalization are necessary. But such patients only account for a very tiny portion of all mental patients.

At the second level, there are those mental diseases that can be effectively treated. The main types of diseases in this category are affective disorders such as depression, mild psychosis, anxiety disorders, panic disorders, obsessive compulsive disorders and anorexia. It is worth mentioning that if such diseases are detected and treated at an early stage, they can all be brought under control and even cured. These diseases may be treated by psychiatrists, but in some

cases, they may also be handled by family doctors having received the necessary training and also other relevant experts or professionals.

The remaining diseases, which constitute the bulk of all mental cases, are just mild mental disorders. Many of such disorders are simply acquired mental disturbances caused by the accumulation of daily-life pressure, unpleasant experiences and unwholesome habits. Such cases can frequently be found around us, and, usually, what the affected persons need most is social and psychological support instead of psychiatric treatment and drugs. And, besides the advice of psychologists and social workers, they must, more importantly, receive the concern and support of their family members and friends.

We can hence see that most mental problems can in fact be cured. Another point is that over the past 10 years, psychiatric and psychological treatment methods have made very great progress. Improved medicines and the invention of new drugs have greatly enhanced the effectiveness of medication on the one hand and reduced the side-effects on the other. Even if a person unfortunately contracts a mental disease, early detection and treatment can still bring the disease under control and lead to recovery. Even if a disease cannot be completely cured in some cases, early detection and treatment can still greatly reduce the degree of resultant disability and increase the chances of recovery. Prevention and early detection are therefore very important, because they can relieve the costs of medical care and rehabilitation and enable patients to live a normal life again and improve his quality of life as soon as possible. And, the financial burden of society can also be lessened. Therefore, the focuses of our mental health policy are prevention as well as early detection and treatment. We will continue to enhance the work in these respects.

Through both formal school education and public education, the Government has been trying to deliver messages on mental health and equal opportunities. Over the years, the Health, Welfare and Food Bureau has been striving to promote public education on mental health. With the help of community organizations in all the 18 districts and various social welfare agencies, the Bureau has been organizing different public education activities on mental health, with a view to enhancing people's understanding of mental health and fostering social acceptance of mental patients and ex-mental patients.

Every year, the Subcommittee on Public Education on Rehabilitation under the Rehabilitation Advisory Committee will formulate an annual theme for

public education on rehabilitation. It will also co-ordinate the activities organized by participating bodies and community organizations. The themes in the past few years were all about mental health-related topics.

The targets of our activities are people from different social strata and age brackets. The activities include APIs on television, special television programmes and promotion activities and exhibitions in large shopping malls. Besides, social welfare agencies and community organizations also organize workshops, exchanges, training camps and visits to rehabilitation organizations for young people, so that they can participate in community activities and training together with ex-mental patients. That way, mental health and social inclusion can be fostered.

Over the past few years, we have been enhancing the development of community-based mental health services. With effect from 2001, the services of the community psychiatric teams under the Hospital Authority (HA) have been extended to all districts in Hong Kong. Seeing that the ages of mental patients were getting younger, we introduced the Early Assessment Service for Young People with Psychosis in 2001. Through the co-operation of family doctors, teachers, parents and social workers under this scheme, young psychosis patients can be referred to the relevant organizations for early diagnosis and treatment. Besides, in 2005, we also launched the Community Support Project for Child and Adolescent Mental Health, which penetrates into local communities for the provision of early detection and intervention services to children and adolescents caught in mental health problems such as depression and anxieties. What is more, outreach psychiatric services with special emphasis on the elderly are also provided.

To tie in with the mental health policy, the Chief Executive put forward an innovative outreach community service in his policy address for 2006-2007. The Social Welfare Department (SWD) and the HA shall co-operate with each other and join hands with non-governmental organizations and other community organizations to implement a scheme on the early identification of people with symptoms of psychological troubles. In this way, these people and their families can receive appropriate counselling and other services as soon as possible to avoid deterioration of the problems. In addition, there will also be a community assistance network to help them rebuild a positive outlook on life.

In regard to medical treatment, the international trend is to shift the emphasis from in-patient care to community and day care. To tie in with this

trend, the HA has been actively reviewing its in-patient psychiatric services in recent years, in an attempt to develop a diversified community treatment scheme. It is hoped that a greater number of suitable psychiatric patients can thus receive treatment at the community level, thereby increasing their chances of social re-integration after rehabilitation. This explains precisely why the HA needs to reduce the number of psychiatric beds. I must also emphasize that the current occupancy rate is just 77%, which means that vacancies are still available. Beds can be provided without any problems in case of need.

The HA has also been regularly reviewing and adjusting the manpower and material resources for its psychiatric services, including resource utilization and in-patient facilities. And, strenuous attempts have also been made to enhance the psychiatric services offered by its hospital clusters. In mid-2006, with a view to improving its in-patient and rehabilitation services, the HA already reorganized the psychiatric services of its hospital clusters, so that psychiatric patients can receive treatment at places near their homes as far as possible. *(Coughing)* I am sorry, Madam President. I do not have an infections disease. *(Laughter)* It is just allergy. But I am not allergic to Members. Please do not worry. *(Laughter)*

Madam President, in regard to the training of doctors, the HA has made arrangements with the University of Hong Kong for private medical practitioners enrolled in the Postgraduate Diploma in Community Psychological Medicine Programme to receive practical training at the psychiatric departments of public hospitals. Depending on the needs of work and training, arrangements may also be made for family doctors employed by the HA to receive psychiatric training in individual hospital clusters, so that they can handle minor psychiatric cases at general out-patient clinics.

With respect to rehabilitation services, we have been providing accommodation and training to ex-mental patients who are unable to live an independent life in society. It is hoped that this can facilitate their early social re-integration. As for those who are already able to live independently in the community, we still provide them with various forms of assistance, such as occupational rehabilitation services, day activity centres, community mental health networks and community mental health care. That way, they can be helped to re-equip themselves with the skills necessary for their daily living, employment and social life.

Hong Kong's progress in rehabilitation services has always been emulated by other Asian countries. The employment assistance we provide to ex-mental patients, including supported employment and the development of social enterprises, is also highly effective. With the championing and support of the Government, rehabilitation organizations such as the New Life Psychiatric Rehabilitation Association and the Mental Health Association of Hong Kong have been able to concentrate on developing their work and make focused efforts to persistently improve their professional services and introduce innovative services under the policy and directions formulated by the Government.

With respect to resources, the Government spends \$3.1 billion annually on mental health-related services and public education. As much as 90% of this sum of money, that is, more than \$2.7 billion, is spent on the provision of psychiatric services. The expenditure will be adjusted annually according to the needs of society. In order to tie in with the overall mental health policy, we will continue to allocate and fight for more resources, so that we can develop various community-based preventive services such as early detection and intervention. Looking back at the past four years, we can see that especially in relation to the HA and its services, the Government already spent a total of \$214 million on introducing a number of additional services. One example is that last year, the HA was provided with an additional funding of \$45 million for purchasing new psychiatric drugs. As a result, the number of patients who are prescribed new drugs has increased to 58 000.

We will review our policies and services from time to time in the light of our changing social conditions and needs, so as to make sure that we can keep abreast of the times and respond to the needs of society. The Health, Welfare and Food Bureau is now conducting a review of the Hong Kong Rehabilitation Programme Plan. The Bureau also conducts extensive discussions on the mental health policy and related services with service providers, users, social welfare agencies, relevant government departments and the HA with a view to enabling all the policies and services to better suit the needs of society.

Besides, a working group on mental health services was also set up by the Health, Welfare and Food Bureau in the middle of last year on the advice of the Hong Kong Rehabilitation Programme Plan Review Working Group. The working group started its work in August last year. Its aims are to conduct a review of the current mental health policy and services and set down a future direction for service development. The working group is led by me, with members who are academics and professionals involved in the provision of

psychiatric treatment and rehabilitation services. Members of the working group are currently formulating a framework of work and conducting discussions on an outline. It is expected that many topics meriting concern will be covered, including the problem of stigmatization. The working group will also discuss basic rehabilitation services, cross-sector services and multi-disciplinary services, including primary health care services, hospital services, community services, rehabilitation services and the co-ordination of professional health care services.

The Administration attaches very great importance to the views of the relevant sectors on the mental health policy and related services. As a matter of fact, since the launching of the Hong Kong Rehabilitation Programme Plan Review, we have been organizing many public forums to consult the public on the overall rehabilitation policy and related services. The public are also consulted on the mental health policy and related services. And, all submissions from the public are studied in great detail to provide a basis of reference for the formulation of a new Hong Kong Rehabilitation Programme Plan. The newly-established working group on mental health comprises members who are health care professionals, academics and representatives of social welfare agencies. The working group will invite a greater number of relevant people and organizations to provide input.

We have some reservations about the establishment of a mental health council. Mental health services are part of our public health services. For this reason, we must seek to fully satisfy people's needs at various levels, including the needs for health care, social welfare and various rehabilitation services. Currently, the Health, Welfare and Food Bureau is responsible for co-ordinating the mental health policy and related measures. For the formulation of policies and provision of services relating to mental health, the Bureau has been maintaining close co-operation with the HA, Department of Health, SWD, other relevant government departments and non-governmental organizations. The mechanism has been functioning well and able to ensure the integrity of the policy. We are able to provide mental patients with co-ordinated, comprehensive and personalized services. Besides, we also adopt a multi-disciplinary and cross-sectoral approach to the provision of medical care and rehabilitation services to mental patients. The Health, Welfare and Food Bureau will continue to enhance its role in co-ordinating mental health matters. This will include our co-operation with relevant organizations and non-governmental organizations.

In regard to the future development of mental health services, we will continue to pursue the following four objectives in service enhancement:

1. to enhance public education to arouse public concern about mental health;
2. to provide appropriate services that can enable people to detect mental problems and receive treatment at an early stage;
3. to enhance professional assistance, with emphasis on primary health care and community service training; and
4. to facilitate the early recovery of mental patients and their social re-integration.

As for the formulation of a long-term concrete plan, much will have to depend on the specific proposals to be put forward by the working group on mental health services recently established by the Bureau after its review and discussions on current services. Since the scope of mental health is very extensive, covering a wide range of units and issues, we must conduct detailed and comprehensive studies in conjunction with relevant experts. The task is long and difficult, and the outcomes will produce far-reaching effects.

Finally, I wish to take this opportunity to point out that the keys to the effective handling of the many complex mental health issues are a family-based assistance network as well as a strong and cordial family relationship. Family members' concern and support are very important, whether we are talking about prevention or assisting mental patients in their recovery.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now call upon Dr Fernando CHEUNG to move his amendment to the motion.

DR FERNANDO CHEUNG (in Cantonese): President, I move that Dr KWOK Ka-ki's motion be amended.

Dr Fernando CHEUNG moved the following amendment: (Translation)

"To add "currently Hong Kong attaches little importance to mental health," after "That, as"; to add "," after "every year"; to add "not to

mention those patients with hidden symptoms in the community," after "rises drastically,"; to add "and suitable rehabilitation services to help them integrate into the community" after "better treatment"; to add "set up a mental health council to" after "(a) expeditiously"; to delete "to cause the public to pay proper attention to mental health" after "Hong Kong's mental health policy" and substitute with "and co-ordinate mental health services to enhance inter-departmental co-operation and cause the public to attach greater importance to mental health"; to add "(c) improve the facilities in acute wards and closed wards for psychiatric services and implement a triage system, so as to provide patients with a more suitable environment for treatment; (d) comprehensively enhance the quality of rehabilitation services, which includes reforming sheltered workshops and implementing a case management system, so that ex-mental patients can obtain adequate and comprehensive services in the community;" after "hospitalization and rehabilitation;"; to delete the original "(c)" and substitute with "(e)"; to delete the original "(d)" and substitute with "(f)"; to add ", educators" after "academics"; to delete the original "(e)" and substitute with "(g)"; to delete "public education on mental health, so as to deepen" after "enhance"; to add "through formal education and public education," after "understanding of mental health"; and to delete the original "(f)" and substitute with "(h)".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Fernando CHEUNG to Dr KWOK Ka-ki's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

Mrs Sophie LEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mrs Sophie LEUNG has claimed a division. The division bell will ring for three minutes, after which the division will begin.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr David LI, Mr SIN Chung-kai, Ms LI Fung-ying, Mr WONG Kwok-hing, Dr Joseph LEE, Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr KWONG Chi-kin voted for the amendment.

Dr LUI Ming-wah, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr Howard YOUNG, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG and Prof Patrick LAU abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Mr Albert CHAN, Ms Audrey EU, Mr Alan LEONG, Mr LEUNG Kwok-hung and Mr Ronny TONG voted for the amendment.

Mr James TIEN, Mrs Selina CHOW, Mr CHAN Kam-lam, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk and Mr LI Kwok-ying abstained.

THE PRESIDENT, Mrs Rita FAN, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 17 were present, eight were in favour of the amendment and

nine abstained; while among the Members returned by geographical constituencies through direct elections, 21 were present, 13 were in favour of the amendment and seven abstained. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr Joseph LEE, you may move your amendment.

DR JOSEPH LEE (in Cantonese): President, I move that Dr KWOK Ka-ki's motion be amended.

Dr Joseph LEE moved the following amendment: (Translation)

"To add "prevention," after "dire challenges for"; to delete "to cause the public to pay proper attention to mental health" after "Hong Kong's mental health policy" and substitute with "and regularly conduct studies and reviews, as well as make appropriate adjustments in the light of the relevant results, so as to support and upgrade mental health services"; to add "prevention," after "in such areas as"; to add "(c) strengthen community psychiatric services, enhance the functions of community psychiatric health care teams and provide primary mental health services in areas such as prevention, education and assessment;" after "hospitalization and rehabilitation;"; to delete the original "(c)" and substitute with "(d)"; to delete "social" after "the territory's medical and" and substitute with "community rehabilitation"; to delete the original "(d)" and substitute with "(e)"; to add "and" after "overall mental health policy;"; to delete the original "(e)" and substitute with "(f)"; to add ", cause them to pay proper attention to the importance of mental health" after "understanding of mental health"; and to delete "; and (f) conduct regular studies on the situation of and policy on mental health in Hong Kong, so that corresponding measures can be taken to upgrade the mental health services in Hong Kong" after "ex-mental patients"."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr Joseph LEE to Dr KWOK Ka-ki's motion, be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, you may now reply and you have one minute 44 seconds.

DR KWOK KA-KI (in Cantonese): Madam President, first of all, I would like to thank the 12 Honourable colleagues who have spoken because, as a matter of fact, both psychiatric patients and psychiatrists are low-profiled persons. They seldom come forward to speak for their own interests. Thanks for your speeches, and I hope the Government can pay proper attention to this issue.

The Secretary said that he would do a lot of work, and I shall keep on monitoring the situation. The Secretary said that a lot of the work has to be handled by the committee. But as far as I know, the four aspects mentioned by the Secretary, namely, education, appropriate services, support and promoting social integration, cannot be attained just through some empty talks. It really calls for a lot of practical support such as in the provision of services, we really need manpower and resources. The support of that service requires the involvement of social workers and the provision of medicine. I hope to see that the Government is really willing to commit more resources in, for example, the Budget, to helping this group of people who seldom speak up for themselves and are very often neglected in society. And as a matter of fact, they are badly in need of assistance — there are as many as 700 000 such persons and their families.

Regarding the committee, I hope the Secretary's committee can benefit from listening more extensively to the views of the people. Apart from the incumbent members, other people such as representatives of patients and their families, some front-line health care personnel as well as other professionals, and so on, should also be included in it, since we still do not have these people serving on the committee. I have heard the Secretary say that these people will be included in due course, so I hope he can really do that. If all these efforts could eventually bring about good results, I believe both the people and the patients will be able to see them. Thank you, Madam President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr KWOK Ka-ki, as amended by Dr Joseph LEE, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion as amended passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 7 February 2007.

Adjourned accordingly at nineteen minutes past Six o'clock.

SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
long title	By deleting "paragraph 1" and substituting "paragraphs 1 and 2(a)".
2	By deleting the definition of "specified person" and substituting - "specified person" (指明人士) means - (a) a person who is - (i) a Chinese national; and (ii) a Hong Kong permanent resident; or (b) a person who is - (i) a stateless person; and (ii) a Hong Kong permanent resident;".
5	By deleting subclauses (1) and (2) and substituting - "(1) A person shall not, in order to compel another person to do or refrain from doing any

act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence -

(a) with the intention that the other person will fear that the threat will be carried out; and

(b) knowing or having reason to believe -

(i) that, in relation to a threat that an act will be done to or in relation to any person ("relevant person"), the relevant person is a member of the United Nations personnel or a member of the associated personnel; or

(ii) that, in relation to a threat that an act will be done to or in relation to any premises or means of transportation, the premises are or the means of transportation is ordinarily used by a member of the United Nations personnel or a

member of the associated
personnel.

(2) A specified person shall not, outside Hong Kong, in order to compel another person to do or refrain from doing any act, make to the other person a threat that an act will be done which, if done, would constitute a relevant offence -

(a) with the intention that the other person will fear that the threat will be carried out; and

(b) knowing or having reason to believe -

(i) that, in relation to a threat that an act will be done to or in relation to any person ("relevant person"), the relevant person is a member of the United Nations personnel or a member of the associated personnel; or

(ii) that, in relation to a threat that an act will be done to or in relation to any premises or means of

transportation, the premises
are or the means of
transportation is ordinarily
used by a member of the
United Nations personnel or a
member of the associated
personnel.”.

- 7 By adding “except as otherwise expressly provided by
section 5(1) and (2),” after “6(1) and (2),”.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Health, Welfare and Food to Ms Emily LAU's supplementary question to Question 4**

As regards supplementary information on the statistics of child abuse cases compiled by the police, enclosed at Annex are the statistical figures on "Crimes Against Children" maintained by the police.

We understand that Ms Emily LAU wishes to compare the police figures with statistics captured in the Child Protection Registry (CPR) maintained by the Social Welfare Department (SWD). In this regard, we would wish to draw to Members' attention the major differences between the two sets of statistics.

Firstly, the statistics kept by the police are on the basis of "Crimes Against Children", and are different from the statistics captured in the CPR. In brief, the police's statistics are concerned with all crimes against children, irrespective of the nature of relationships between the victims and the offenders. The SWD, on the other hand, captures child abuse cases committed by individuals who by their characteristics (for example, age, status, knowledge, organizational form) are in a position of differential power that renders a child vulnerable.

Secondly, the police records the number of cases according to the number of incidents that have taken place, whether or not the incidents involve the same abused child. On the other hand, each abused child is regarded as one single abuse case under the SWD's record, even though there may be more than one abuse incidents against the same child.

Besides, there are also some differences as to what the two departments would regard as a recordable incident or "case". For example, the SWD would not regard unlawful sexual intercourse between lovers on a voluntary basis as a case of child sexual abuse. Under the Procedures For Handling Child Abuse Cases (revised 1998), child sexual abuse is different from casual sexual relationship, for example, between a boy and a girl, though the boy can be liable for offences like indecent assault or unlawful sexual intercourse with an underaged girl. However, the police would record that same incident as a "crime against children" since it constitutes a criminal offence and police defines incidents irrespective of the relationships between the victim and the offender.

In sum, the two sets of statistics are not compiled on the same basis, or for entirely the same purpose. They are therefore not directly comparable.

WRITTEN ANSWER — *Continued*

Annex

Statistics on Crimes Against Children
2004-2006

(A) Overall

The police recorded a total of 1 147, 1 206 and 1 255 cases on crimes against children in 2004, 2005 and 2006, respectively. Among these cases, there were correspondingly 271, 261 and 309 cases involving children who were abused by their family members (for this purpose, "family members" refers to parents, step parents, grandparents, siblings and other familial members who reside under the same roof with the victim). There is no separate breakdown of the marital status of the abusers.

(B) Breakdown by Regions

Region	2004			2005			2006		
	Physical Crimes against Children ⁽¹⁾	Sexual Crimes against Children ⁽²⁾	Total	Physical Crimes against Children ⁽¹⁾	Sexual Crimes against Children ⁽²⁾	Total	Physical Crimes against Children ⁽¹⁾	Sexual Crimes against Children ⁽²⁾	Total
Hong Kong Island	48	72	120	51	90	141	70	86	156
Kowloon East	115	122	237	94	149	243	102	124	226
Kowloon West	67	105	172	68	105	173	92	144	236
New Territories North	146	217	363	163	218	381	141	200	341
New Territories South	101	146	247	118	147	265	145	142	287
Marine	3	5	8	1	2	3	1	8	9
Total	480	667	1 147	495	711	1 206	551	704	1 255

Hong Kong Police Force
March 2007

Note: ⁽¹⁾ Physical crimes against children — refers to cases of Murder and Manslaughter, Wounding, Serious Assault and Cruelty to Child committed against a victim who is under 14 years of age, irrespective of the nature of relationship between the victim and the offender, such as known or unknown to victim and with or without caring responsibility for victim.

⁽²⁾ Sexual crimes against children — refers to cases of sexual crimes, such as Rape, Indecent Assault, Unlawful Sexual Intercourse, Incest, and so on, committed against a victim who is under 17 years of age, irrespective of whether the victim gave consent and the nature of relationship between the victim and the offender, such as known or unknown to victim and with or without caring responsibility for victim.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Labour and Welfare to Dr Fernando CHEUNG's supplementary question to Question 6**

As regards how the Administration handles the misconduct of the civil servants, upon consulting the Civil Service Bureau, our replies are as follows.

The Government attaches great importance to the probity and integrity of the Civil Service, and would institute appropriate disciplinary action against civil servants who have misconducted themselves.

Civil servants who fail to observe any government regulation or instruction or who misconduct themselves (including those who are criminally convicted) are liable to disciplinary action.

For minor and isolated cases of misconduct or criminal offences, verbal or written warnings may be issued to the officers concerned. For serious or repeated misconduct or criminal offences, formal disciplinary action will be taken. Punishment under formal disciplinary action may include reprimand, severe reprimand, financial penalty, reduction in rank, compulsory retirement or dismissal.

As a general rule, formal disciplinary action in respect of civil servants is taken in accordance with the provisions of the Public Service (Administration) Order and the Public Service (Disciplinary) Regulation. Disciplinary action in respect of rank and file staff and officers up to certain ranks in the disciplined services is taken in accordance with the provisions of the relevant disciplined services legislation.